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## Legislative Assembly of Ontario

Second Session, 38<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

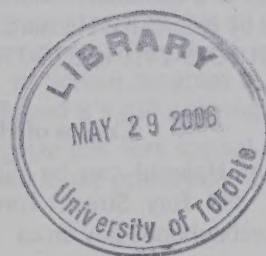
Deuxième session, 38<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Tuesday 9 May 2006

Mardi 9 mai 2006



Speaker  
Honourable Michael A. Brown

Président  
L'honorable Michael A. Brown

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers



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## LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 9 May 2006

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 9 mai 2006

*The House met at 1330.*

*Prayers.*

### WEARING OF RIBBONS

**Mr. Norm Miller (Parry Sound–Muskoka):** Mr. Speaker, I'd like to ask for unanimous consent to allow members to wear this green ribbon, which marks Children's Mental Health Week 2006.

**The Speaker (Hon. Michael A. Brown):** Mr. Miller has asked for unanimous consent to wear the green ribbon for Children's Mental Health Week 2006. Agreed? Agreed.

### MEMBERS' STATEMENTS

#### HOSPITAL FUNDING

**Mr. Bill Murdoch (Bruce–Grey–Owen Sound):** Last Thursday the Minister of Health came to Markdale hospital with an approval to proceed with the planning and design for a new hospital. That approval also came with \$3 million, and on behalf of the residents of the area, Jim Wilson and myself, I would like to say thank you.

While we recognize that this is just another step in the process, it will certainly give all the hard-working individuals, who have raised \$13 million so far, some added incentive. However, I want to say to the minister and this government, don't let this fall off your radar.

It is a unique design. The proposed new hospital will be connected to Grey Gables, a country home for seniors, incorporating a new medical clinic and a community health care centre.

The editorial in today's Owen Sound Sun Times captures this well: "This does not guarantee a new hospital will be a reality in Markdale. But it is a huge step forward in a province that isn't winning any awards for the investments it is making in rural Ontario." In fact, a recent poll found that voters believe rural Ontario is being neglected by this Liberal government and that it is biased toward cities. I challenge the minister and this government to prove that wrong and get a shovel in the ground in Markdale.

I urge other cabinet ministers to follow Minister Smitherman's example and include opposition members of a riding to attend this type of announcement. We are either not informed or are notified far too late to change our schedules and attend events in our ridings.

For four years, the community and hospital officials have waited and worked for a new hospital. The demand from new residents and visitors to the area makes it imperative that a new facility be built. Without it, there is no ability to sustain primary care services for Centre Grey.

#### INTERNATIONAL WALK TO SCHOOL AWARDS

**Mr. Vic Dhillon (Brampton West–Mississauga):** I'm very pleased to announce to the House that Morton Way Public School in Brampton West–Mississauga was selected from an inspiring list of applicants for the second International Walk to School Award. This award will be officially presented at the Melbourne Walk 21 conference in October 2006 in Australia. Morton Way will be having its own special celebration later this month. Along with my son Robin, who attends Morton Way, and the Minister of Health Promotion, we invite you to recognize the efforts of this school in promoting daily physical activity, community safety and cleaner air.

Their achievements are amazing and complement exactly what we as a government are striving for in health promotion through programs such as Active 2010. Morton Way holds regular walking/wheeling Wednesdays, participates in the IWALK club, has organized parent-led walking school buses and has set a target of "25 or less" cars dropping students off at school every day. They also accompany their Walk to School program with a walk at school program to ensure that all students have an opportunity to participate. They have increased participation in the Walk to School program in the last six years from 40% to 90%, and it's still growing.

I'm very proud to recognize this very special achievement by a role model school in the promotion of healthy, active students.

#### NURSES

**Mr. Norm Miller (Parry Sound–Muskoka):** I rise today to recognize the contribution of the nurses of this province. In particular, I would like to recognize nurse practitioners who provide excellent services at the nursing stations in my riding. Nursing stations are located in the communities of Britt, Pointe au Baril, Argyle, Whitestone and Rosseau. Moose Deer Point also has a nursing station. However, funding shortages have prevented operation of that office. In a rural area that suffers from chronic physician shortages, these dedicated nurse



practitioners offer vital health care services to both year-round and seasonal residents.

Nurse practitioners bring primary health care close to home. They provide vaccination clinics and home visits. They can also order lab tests, X-rays, mammograms and other imaging tests. They also provide information on health promotion, injury and disease education. Nurse practitioners alleviate mounting pressure on local hospitals.

Just as importantly, these nurse practitioners are an important part of their communities. Despite funding challenges, these nursing stations continue to provide excellent health care services to their communities. I urge the Minister of Health to consider increases to funding so that these nurse practitioners have the support they need to continue to provide top-notch health services.

I would like to thank Carmen Broughten of White-stone, Donna Kearney of Rosseau, Patty Riches of Pointe au Baril, Ann Palimar of Britt and Terry McDougall of Argyle, who provide front-line health care services through these nursing stations.

#### EAST YORK STRATEGY

**Mr. Michael Prue (Beaches–East York):** Last night, a group was founded called the East York Strategy. It is designed and run on the same model as the Boston Strategy, that has proved so effective in that city. All members of the House will remember a few weeks ago, or perhaps a month ago, that Dr. Eugene Rivers came to Toronto and discussed with community leaders, the mayor and other people how Boston got itself away from youth violence. The people of East York are very concerned about it as well, and last night they decided that they needed a faith-based approach to reducing violence everywhere. They are also, at the same time, organizing mentorship opportunities for youth so that young people can learn from each other.

The whole thing was spearheaded by Rev. Jim Parker of Bethany Baptist church, and to his great credit there were about 100 people at the founding meeting last night. There will be an additional meeting later this month, on May 24 at 7 o'clock at Bethany Baptist church, at Pape and Cosburn. For those who would like to get involved and would like to help our youth to formulate a plan and to make sure that young people have an opportunity so that we can end violence everywhere, the website is eastyorkstrategy.com, or you can phone the church at 416-425-9470.

We would really welcome an opportunity for anyone at all to get involved and to help our youth stay out of trouble. Again, it's the East York Strategy.

1340

#### ENERGY CONSERVATION

**Mr. Khalil Ramal (London–Fanshawe):** There are some exciting energy conservation initiatives taking place in London. Minister Cansfield and London Hydro recently unveiled the Chill Out London appliance re-

cycling program, which allows customers to retire their old, inefficient refrigerators and freezers at no cost and provides customers with a rebate of \$75 when they replace their unit with an Energy-Star-rated appliance. This initiative will save residents up to \$175 per year in energy costs.

In addition to the Chill Out London program, the city of London, with funding support from London Hydro, undertook the municipal traffic and pedestrian signals upgrade project. Traffic and pedestrian signals at 394 intersections, with over 11,000 bulbs, were converted from incandescent lamps to energy-efficient LED modules.

The two initiatives combined will result in energy savings of more than 10 million kilowatts per year, which is the average energy requirement of more than 1,100 homes. Also, the project will eliminate an estimated 2,790 tonnes of greenhouse emissions annually.

I want to commend the city of London and London Hydro. The McGuinty government understands that energy conservation does not mean compromising quality and can lead to significant cost savings. Creating a culture of conservation is a priority of this government and part of the plan to keep the lights on in Ontario.

#### MUNICIPAL ELECTIONS

**Mr. Tim Hudak (Erie–Lincoln):** Another day, another broken Dalton McGuinty promise. Members will recall that Dalton McGuinty campaigned on a promise to "let the public decide how elections work." And now what do we see in practice? Buried deep within an unrelated finances measure, a commitment to reduce the frequency of local elections for municipal leaders and school board trustees to four years. Not only was it hidden deep inside an unrelated finance bill, but at the same time, not one single minister rose in this House during introduction or second reading debate to defend or explain the policy—not one single member or minister stood in this House to justify the changes.

Then, to make matters worse, they rammed the bill through with only two hours of committee hearings, limiting it so that I think only eight or so groups were able to speak to the bill.

Dalton McGuinty said in 2004: "Elections do not belong to the party in power. They belong to all citizens. When it comes to how people elect their representatives, the people of Ontario will have their say." Little did we know that that was limited only to members of the Dalton McGuinty cabinet and not voters across the province of Ontario.

I see in the papers today that former finance minister Greg Sorbara—and, I suspect, many members of the Liberal caucus—is objecting to this measure. Please follow what we did in our Democracy Challenge. Take schedule H out of the bill. A stand-alone bill for province-wide public—

**The Speaker (Hon. Michael A. Brown):** Thank you. The member for Markham.

*Interjections.*



**The Speaker:** Order. Now the member for Markham.

### POLICE SERVICE AWARDS

**Mr. Tony C. Wong (Markham):** Recently I joined our Premier and more than 1,000 York region residents and business and community leaders to attend the 14th annual York Regional Police Appreciation Night to celebrate the achievements of the region's "Proud Past and Bright Future" police officers.

That night, seven officers received police officer of the year meritorious awards for 2005. They are:

—Constable Anthony Emanuel, who received the award for bravery in the line of duty for saving the life of a hit-and-run victim;

—Constable Douglas Cooper, recipient of the outstanding service to the community award for devoting countless hours of his own time mentoring youth;

—Constables James Hilton, John Loughry, James Ward and Detective Mike Slack, awarded with police officers of the year award for excellence in policing; and

—Constable Paul Chiang, recipient of the Herbert H. Carnegie community award for his involvement and efforts both in the community and in foreign aid relief.

Every day we rely on the dedication and compassion of our men and women police officers. As the Premier said that evening, "These men and women do so much good for so many."

The next time you meet an officer in the street, I encourage you to show your gratitude and support by saying thanks, for keeping our streets safe, our communities secure and for making a difference in Ontario.

### CHILDREN'S MENTAL HEALTH SERVICES

**Mrs. Liz Sandals (Guelph-Wellington):** I'm grateful for the opportunity to speak to you about a very important issue: children's mental health. One in five children and youth between the ages of 13 and 17 are living with a treatable mental health problem. Left untreated, the mental health and behaviour of these children worsens. They may become bullies. They may disrupt classrooms or drop out of school. They could develop an eating disorder. They might even abuse drugs. Worse—far worse—they may attempt or commit suicide.

We know that early intervention and treatment can ease the burden of the emotional and financial cost of mental illness. We also know that the funding for children's mental health agencies had not kept pace with the increasing need for treatment. With that in mind, our government has invested an additional \$38 million in children's mental health on an annual basis since taking office. The funding went to enhancing services for children and youth with mental health needs, including the creation of 113 new programs and the expansion of 96 existing programs across the province to help communities respond to existing and emerging local needs.

Yesterday marked the beginning of Children's Mental Health Week. I would like to welcome representatives from Children's Mental Health Ontario to the Legislature today. They are doing a tremendous job raising awareness around children's mental health.

### NURSES

**Ms. Deborah Matthews (London North Centre):** Yesterday, I had the pleasure of spending the morning with Michelle Angelini, a registered nurse in the neonatal intensive care unit at St. Joseph's health centre in London. I shadowed Michelle and her fellow nurses, including Val Rosum, the NICU director, and Marlene Ritchie, an admissions nurse. I saw first-hand the challenges faced by our nurses, the hard work they do, and the dedication, commitment and love they bring to their jobs every day.

This work included caring for baby Carter Harris and the Vagueiro quadruplets: Maia, Haily, Cole and Sarah. I wish Christine and Paul Vagueiro the best of luck with this quadruple handful, and all the best to Carter's mom, Raffaella Harris, too.

Although there's always much more to be done, our government has provided much-needed funding to improve the quality of health care at St. Joe's. The nurses in the NICU are providing excellent care in what is clearly a challenging facility, and they all look forward to the completion of their future home at London Health Sciences Centre.

We are fortunate to have so many dedicated and skilled nurses like Michelle and her colleagues working in our hospitals, clinics, schools, health units and seniors' homes throughout Ontario. I encourage all MPPs to participate in their hometown hospitals' Take Your MPP to Work Day. On Friday, I will be shadowing another nurse in my riding in the cardiac intensive care unit at the University Hospital campus of London Health Sciences Centre.

Again, I want to thank Michelle and the NICU nurses for letting me disrupt their daily routine and for giving me a glimpse into their lives and those of their patients.

### INTRODUCTION OF BILLS

#### LEGISLATIVE ASSEMBLY AMENDMENT ACT (SEVERANCE ALLOWANCE), 2006 LOI DE 2006 MODIFIANT LA LOI SUR L'ASSEMBLÉE LÉGISLATIVE (ALLOCATION DE DÉPART)

Mr. Murdoch moved first reading of the following bill:

Bill 113, An Act to amend the Legislative Assembly Act with respect to severance allowances / Projet de loi



113, Loi modifiant la Loi sur l'Assemblée législative en ce qui concerne les allocations de départ.

**The Speaker (Hon. Michael A. Brown):** Is it the pleasure of the House that the motion carry? Carried.

The member may wish—no?

Introduction of bills. Motions.

## MOTIONS

### COMMITTEE SITTINGS

**Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader):** Mr. Speaker, I believe we have unanimous consent to move a motion without notice regarding Bill 56 and the standing committee on justice policy.

**The Speaker (Hon. Michael A. Brown):** Mr. Caplan has asked for unanimous consent. Agreed? Agreed.

**Hon. Mr. Caplan:** I move that in addition to its regularly scheduled meeting times, the standing committee on justice policy be authorized to meet on Monday, May 15, after routine proceedings until 7:30 p.m. for the purpose of conducting public hearings on Bill 56, An Act to amend the Emergency Management Act, the Employment Standards Act, 2000 and the Workplace Safety and Insurance Act, 1997.

**The Speaker:** Mr. Caplan has moved that in addition to its regularly scheduled meeting times, the standing committee on justice policy be authorized to meet on Monday, May 15, 2006, after routine proceedings until 7:30 p.m. for the purpose of conducting public hearings on Bill 56, An Act to amend the Emergency Management Act, the Employment Standards Act, 2000 and the Workplace Safety and Insurance Act 1997.

Is it the pleasure of the House that the motion carry? Carried.

### HOUSE SITTINGS

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** I move that, pursuant to standing order 9(c)(i), the House shall meet from 6:45 p.m. to 9:30 p.m. on Tuesday, May 9, 2006, for the purpose of considering government business.

**The Speaker (Hon. Michael A. Brown):** Mr. Bradley has moved government notice of motion number 132. Is it the pleasure of the House that the motion carry?

All those in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

*The division bells rang from 1352 to 1357.*

**The Speaker:** All those in favour will please rise one at a time and be recognized by the Clerk.

#### Ayes

Arthurs, Wayne  
Balkissoon, Bas  
Bentley, Christopher

Gerretsen, John  
Hoy, Pat  
Jeffrey, Linda

Pupatello, Sandra  
Racco, Mario G.  
Ramal, Khalil

Berardinetti, Lorenzo  
Bradley, James J.  
Brownell, Jim  
Bryant, Michael  
Cansfield, Donna H.  
Caplan, David  
Colle, Mike  
Craitor, Kim  
Delaney, Bob  
Dhillon, Vic  
Di Cocco, Caroline  
Dombrowsky, Leona  
Duguid, Brad  
Flynn, Kevin Daniel  
Fonseca, Peter

Kular, Kuldip  
Kwinter, Monte  
Levac, Dave  
Marsales, Judy  
Matthews, Deborah  
Mauro, Bill  
McNeely, Phil  
Meilleur, Madeleine  
Milloy, John  
Mitchell, Carol  
Mossop, Jennifer F.  
Oraziotti, David  
Parsons, Ernie  
Peters, Steve  
Phillips, Gerry

Ramsay, David  
Ruprecht, Tony  
Sandals, Liz  
Sergio, Mario  
Smith, Monique  
Smitherman, George  
Takhar, Harinder S.  
Van Bommel, Maria  
Watson, Jim  
Wilkinson, John  
Wong, Tony C.  
Wynne, Kathleen O.  
Zimmer, David

**The Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

#### Nays

Amott, Ted  
Barrett, Toby  
Chudleigh, Ted  
Dunlop, Garfield  
Elliott, Christine  
Hardeman, Ernie  
Kormos, Peter

MacLeod, Lisa  
Martiniuk, Gerry  
Miller, Norm  
Murdoch, Bill  
O'Toole, John  
Ouellette, Jerry J.  
Prue, Michael

Runciman, Robert W.  
Scott, Laurie  
Sterling, Norman W.  
Tabuns, Peter  
Tory, John

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 52; the nays are 19.

**The Speaker:** I declare the motion carried.

**Mr. Tony C. Wong (Markham):** On a point of order, Mr. Speaker: I rise with great pain and emotion to advise the members of this House that Min Chen, the person accused of having murdered Cecilia Zhang, the nine-year-old girl who was kidnapped from her home in North York about two and a half years ago, pleaded guilty to second-degree murder. I still remember attending the memorial service—

**The Speaker:** Order. Statements by the ministry.

## STATEMENTS BY THE MINISTRY AND RESPONSES

### ENDANGERED SPECIES

#### ESPÈCES MENACÉES

**Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs):** It gives me pleasure to rise in the House today to announce that the Ontario government is launching a public review to update and strengthen the legislation that protects our province's species at risk and their habitats.

J'ai le grand plaisir de prendre la parole aujourd'hui pour annoncer à l'Assemblée que le gouvernement de l'Ontario vient de lancer un examen public afin d'actualiser et de renforcer la législation qui protège les espèces en péril de la province ainsi que leurs habitats.

This is the first time since the Endangered Species Act was passed in 1971 that Ontario's species-at-risk laws will undergo a comprehensive evaluation and update. After 35 years, it's clear that the time to update this important legislation is overdue.

Ontario is home to more than 15,000 species of plants and wildlife, and together, these species and the eco-



systems that support them make up our province's amazing wealth of biodiversity. Although most of Ontario's species are stable, a growing number are not. In fact, Ontario has more species at risk than almost every other jurisdiction in Canada, which lends some urgency to our task. Right now, 176 species of plants and wildlife in Ontario are identified as being at risk. This means that they may disappear from our province if their current rate of decline continues.

Stronger legislation will give us the tools we need to help reverse that rate of decline and ensure that our native plants and wildlife have the habitat they need to thrive. Stronger legislation will also support industries such as tourism that rely on healthy ecosystems as part of their business. As well, the updated legislation will provide a clear legal framework and greater certainty for anyone wishing to pursue economic development opportunities that are environmentally sustainable.

Species populations in Ontario have declined, largely due to habitat loss, pollution and competition with invasive species. Our goal is to update and broaden Ontario's species-at-risk legislation so that it addresses those issues and all aspects of protection and recovery.

In some ways, the job will be easier this time around because we know more about our natural world today than we did 35 years ago. Since then, there have been significant advances in knowledge of natural science and in mapping technology that will boost our efforts to identify, monitor and conserve species and their habitats. Today, there's also a greater overall awareness and acceptance that conserving biodiversity is essential to a healthy natural environment, healthy communities and a healthy economic future.

I would also like to point out that protection of species at risk is a key commitment under Ontario's biodiversity strategy, which was unveiled by this government last summer, and is just one way in which that strategy supports a balance between conservation and sustainable use of land and resources.

In April, I established an advisory panel made up of individuals from a variety of backgrounds with experience and expertise related to species at risk and recovery planning. With input from the members of this advisory panel, my ministry developed proposals for a discussion paper that will be the basis for public consultation on species-at-risk legislation.

One thing we know for certain at the outset of this review is that to be effective, species-at-risk protection and recovery efforts must be a shared responsibility among governments, communities, organizations and individuals. That is why I'm strongly encouraging all interested members of the public, stakeholders and aboriginal peoples to take part in the consultation process to help us determine the necessary measures for optimum protection and recovery of species at risk.

We also know that voluntary private land stewardship is essential to achieving our goals.

Nous savons aussi que la gestion écologique des terrains privés, sur une base volontaire, est essentielle au

succès des mesures de protection et de reconstitution des espèces.

A great deal is already owed to the farmers and landowners who have been volunteering for years to help with recovery programs on their land. There are also many environmental, agricultural and community organizations that have taken on an important stewardship role to protect essential habitat and green space. The leadership and on-the-ground work of these groups and individuals over many years have given us a strong foundation on which to build, and I am counting on their continued involvement and continued support.

Helping a species at risk to recover can be costly and complex, and the best course of action is to prevent any species from becoming at risk in the first place through responsible land use stewardship practices. The government is encouraging group stewardship through a variety of programs, including the greenbelt, the natural spaces program, incentives such as tax credits and conservation easements, land trusts, land acquisitions and new protected area designations.

I am very proud that the review we are launching today signals the beginning of a new era of species-at-risk protection and recovery in Ontario. Stronger species-at-risk legislation will give us the tools we need to ensure our native plants and wildlife continue to have a home. Stronger legislation will also help us conserve more of our rich natural heritage and provide future generations with the benefits of a healthier, more diverse and natural environment.

#### EMERGENCY PREPAREDNESS

**Hon. Monte Kwinter (Minister of Community Safety and Correctional Services):** I rise today to draw attention to the observance of Emergency Preparedness Week in Ontario.

Emergency Preparedness Week is a joint federal-provincial-territorial initiative to increase awareness about how being prepared for an emergency can reduce risk and improve community safety. During the week of May 7 to 13, Emergency Management Ontario along with communities province-wide are coordinating a number of events aimed at raising awareness of the need to prepare for emergencies.

I was pleased to join the Premier, the Minister of Energy and the Commissioner of Emergency Management this past Saturday in kicking off Emergency Preparedness Week with the Girl Guides at Centennial Park in Etobicoke. I look forward to joining my colleagues in London for their Emergency Preparedness Week celebrations on May 10, which is tomorrow, in Hamilton on May 13, and then in Cobourg on May 18.

Emergency Preparedness Week is about recognizing our first responders in a disaster and reminding people of what they can do to ensure that they and their families are prepared in the event of an emergency, whether natural or man-made. Before I go any further, I would like to take this opportunity to thank our first responders for the



exceptional job they do. You put your lives on the line each time you answer a call, and for that we extend our sincerest thanks.

As a government, it is also our role to provide first responders with the tools they need to effectively respond to an emergency so that they can keep our communities safe. While we actively encourage individuals to be prepared personally, we as a government are also working to ensure that communities and first responders serving our communities have the tools they need to respond to all emergencies.

That's why our government has provided annual funding of \$100,000 for five years to the chemical, biological, radiological and nuclear units, and \$300,000 to the heavy urban search and rescue units to respond to significant emergencies. We've also provided \$30 million to assist fire departments, especially in rural and small municipalities, to meet their training needs and purchase equipment.

1410

On Monday, I joined my colleague Gerry Phillips, the Minister of Government Services, to applaud and thank the employees of the Ontario public service who provided assistance to the victims of Hurricane Katrina. The hurricane wreaked havoc along the coastlines of Louisiana, Mississippi and Alabama, and Ontario assisted with relief efforts in the United States. Sixty-four trained and highly skilled OPS employees were deployed to the hurricane-ravaged southern US for three-week periods. They were involved in helping the American Red Cross with evacuee management and emergency operation centres, logistics management, food, clothing, registration and inquiry.

We're also working with communities across Ontario to ensure that they have programs in place to respond to emergencies and protect our citizens. Our recent experiences have tested that capacity and taught us that we have to be prepared for the unforeseeable. No emergency is like the one before it, and that's why we've introduced Bill 56, which, if passed, would give the Premier and cabinet the powers they require to deal more effectively with provincially declared emergencies.

We have also learned that the public is the first line of defence in any emergency. A little preparation on the part of individual Ontarians can go a long way to mitigate the effects of disaster. That is the message of Emergency Preparedness Week: Prepare Now and Learn How.

At events during this week, EMO will educate the public on some of the steps they can take to prepare themselves to manage during times of disaster and so help ease the burden of first responders. Some of these steps are as simple as preparing a 72-hour survival kit and having it on hand at all times. A survival kit would include a three-day supply of canned food and bottled water, a flashlight and batteries, a first aid kit, blankets and sleeping bags, and other necessities.

I urge the members of this House to join us in spreading the word to their constituents during Emergency Preparedness Week that the best way to cope with an emergency is to Prepare Now and Learn How.

## ATHLETES LES ATHLÈTES

### **Hon. Jim Watson (Minister of Health Promotion):**

Earlier this afternoon, I was proud to welcome Ontario athletes and coaches who competed in the Winter Olympics and the Paralympic Games in Turin, Italy, and the Commonwealth Games in Melbourne, Australia, to a reception with our Lieutenant Governor and Premier McGuinty. We had over 20 Olympians, Paralympians and Commonwealth Games athletes. A number of them have stayed with us, and I'd like to welcome them to the gallery above and thank them for being here.

*Applause.*

**Hon. Mr. Watson:** We gathered to show our pride in the accomplishments of these amateur athletes. Every Ontario athlete present here today and at the games abroad represented Canada with pride, and they should be an inspiration to us all.

The medal total for Team Canada athletes from Ontario speaks to our success: five of 24 medals captured at the Winter Olympics, four of 13 medals at the winter Paralympics and 26 of 86 medals at the Commonwealth Games. But as Silken Laumann, who overcame injury to achieve bronze and silver medals in single sculls in 1992 and 1996, said, "It's important to know that at the end of the day it's not the medals you remember. What you remember is the process—what you learn about yourself by challenging yourself, the experiences you share with other people, the honesty, the training demands. Those are things that nobody can take away from you whether you finish 12th or you're an Olympic champion."

At this year's Paralympics, Team Canada and its Ontario contingent experienced some exciting firsts. In the first-ever Paralympic wheelchair curling event, skip Chris Daw of London led his team to a gold medal with a 7-4 win over Great Britain. Canada also won its first gold medal in sledge hockey, due in no small part to the efforts of the team's 12 players from Ontario. Bradley Bowden of Orton is one of the talented athletes on the sledge hockey team. Not only was he a star at the winter games in Torino this year; he is also an accomplished wheelchair basketball athlete who won a gold medal in that sport in Athens.

Tracy Ferguson of Toronto is a highly accomplished athlete who has excelled at both the national and international levels in women's wheelchair basketball, and decided it was time to take a new competitive challenge in athletics. At the Commonwealth Games, her first time competing at this level in athletics, Tracy gave a tremendous performance and managed to qualify for the final in the 800-meter open wheelchair class race.

Jessica Zelinka of London, Ontario, competed in the gruelling heptathlon; that's seven events over two days. She finished with an amazing fourth, just outside the medals.

In lawn bowling, Ryan Bester of Hanover, Ontario, who formally won the title of youngest world champion, won a bronze in the men's single. He's the first Canadian to win a medal in that event in 72 years.



One of the most outstanding performances of these games was by rhythmic gymnast Alexandra Orlando, from Toronto. Alexandra won six gold medals and managed to tie a Commonwealth Games record. It's not surprising that she was selected to carry Canada's flag in the closing ceremony.

J'aimerais personnellement féliciter tous les athlètes ontariens qui ont participé aux Jeux Olympiques et Paralympiques ainsi qu'aux Jeux du Commonwealth. Leurs performances inspireront certainement tous les Ontariens.

It also requires support from all levels—coaches, volunteers and sponsors—all who help to achieve these goals. The Ontario government, through the Ministry of Health Promotion, is committed to amateur athletes. Last year we provided \$15.6 million for amateur sport, and that includes the \$2.9-million Quest for Gold program that this group of athletes directly benefits from. The first phase of the Quest for Gold program has been a great success, providing \$1.9 million directly to 892 athletes; \$558,000 has been directed to providing athletes with enhanced coaching; and \$279,000 has been directed to training and competition opportunities.

Lorsque la seconde phase du programme Quest for Gold sera lancée cet été, nous nous ferons un plaisir d'offrir un appui continu aux athlètes de haut niveau.

Actuellement, nos subventions pour les organismes provinciaux et multisports contribuent à la formation et aux programmes compétitifs de 2,2 millions d'athlètes, entraîneurs et arbitres inscrits.

On another front, we now have in place an international amateur sport hosting policy. This policy will guide our decisions to participate in and determine the value of the province's investment in bids to host sport events in Ontario. Members will know that international amateur sport hosting can deliver economic, community, sport and health promotion and international exposure benefits. These events are the pinnacle of sport development globally. Not only will this policy allow us to bring international-level competition to our backyard; it will raise the profile for and increase public support of Ontario athletes. Our recent win of the World Junior Hockey Championships for Ottawa in 2009 is an example of the potential of our commitment to attracting and hosting international amateur competitions.

L'appui accordé à nos athlètes doit demeurer une priorité pour le gouvernement McGuinty. Les athlètes ontariens ont démontré qu'ils avaient le potentiel, la détermination et la capacité d'exceller sous la pression intense associée à la compétition.

It is our responsibility to ensure that all athletes have the resources and support they need to reach their full potential. We must work together within our communities and at the provincial level to develop our athletes, starting in the playground, all the way to the podium.

We are committed to supporting all of our athletes in their quest for excellence, and I congratulate each and every one of them. They inspire pride among us all in their quest for excellence.

My thanks to his honour the Lieutenant Governor for graciously hosting our reception, and to the Premier and the many members of provincial Parliament who were there to say thank you and how proud we are of the athletes and the others who are not able to be with us today.

**The Speaker (Hon. Michael A. Brown):** Responses?

## ENDANGERED SPECIES

**Mr. Norm Miller (Parry Sound–Muskoka):** It's my pleasure to respond to the statement made by the Minister of Natural Resources regarding undertaking a review to modernize and strengthen the laws that protect the province's native species at risk and their habitats.

I think it's important, before this government embarks on new commitments, that they fulfill some of the existing commitments they've made in the past.

For example, during the election campaign the Liberals promised "to give the MNR the resources it needs to once again properly manage Ontario's fish and wildlife." That was made in a letter—one of many letters—sent out by a certain Dalton McGuinty to the Ontario Federation of Anglers and Hunters, I believe, saying that he would properly fund the fish and wildlife department. That's just one of the many promises that have not been fulfilled by this government.

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In fact, we learned from the OFAH in their statements during the pre-budget consultations that there is a some \$25-million shortfall in funding for the fish and wildlife division of the Ministry of Natural Resources. What the province should do is match the \$60 million contributed annually to the special purposes account by fishing and hunting activities. We've seen reductions in fish stocking and support for fish hatcheries, closures of field offices to the public, and reduced funding for park wardens and conservation officers. It's illustrated in a letter to the editor in one of my Parry Sound–Muskoka newspapers: "Closure a Sign of Graver Financial Crisis at Ministry of Natural Resources." In the middle of it: "There has been a dramatic decline in the ability of the MNR to fulfill its mandate. Fish hatcheries have been closed, invasive species programs cut back, fish-stocking programs gutted, the hats for hides program given away, offices downsized or closed, conservation officers let go." That was written by Ron McIntosh of Bracebridge. That outlines the way the public feels about the activities going on in the Ministry of Natural Resources.

I note in this proposed review that they're talking about consultation. I hope that the consultation will be more thorough than some of the consultation this government has delivered so far. For example, on Bill 107, the Human Rights Code, I know there's a long list of groups that feel they were not consulted, despite the promises of this government to do some consultation.

On the announcement itself, there are certain places in the province where habitat is posing a threat to species at risk; for example, the Thames River at Springbank dam,



where water quality is having an effect on species such as the bigmouth buffalo, the spotted sucker and the black redborse.

I hope that the minister will show some real leadership and get on with doing a thorough job with this consultation.

### EMERGENCY PREPAREDNESS

**Mr. Garfield Dunlop (Simcoe North):** I would like to respond to the minister's comments on Emergency Preparedness Week. I'd like to begin by thanking all those folks who help us in any kind of a disaster, whether it's in our country or around the world—they being emergency service workers, police, fire, paramedics, organizations like Canadian Blood Services, the Salvation Army, Red Cross, all of our health care professionals and of course the volunteers who always come through at a time when we have emergencies.

This being Emergency Preparedness Week, I'd like to talk a little bit about the current government's actions in emergency preparedness. The first thing the former government did following the 9/11 disaster was put in place a couple of key advisers—some top Canadians: former RCMP Commissioner Norman Inkster, and we also had in place retired Major-General Lewis MacKenzie. The first thing this government did when they came to power was remove the Ontario Security Council and get rid of these two outstanding Canadians, who acted as advisers in key roles. As well, we know all too well that they unceremoniously removed a person who was a key adviser under the SARS epidemic, and that was Dr. James Young.

Bill 56 has taken three years to come, to date. They originally started with some kind of a committee bill, and now, here we are today; we still haven't passed anything.

I'd like to read from an article today and put it on the record, referring to Bill 56:

"'This power is awesome,' concluded Mr. Justice Archie Campbell, commissioner of an inquiry into the SARS outbreak. 'It represents a profound change in our legal structure and raises issues that must be addressed whenever a statute is proposed that so fundamentally alters our system of government by law.' He was analyzing the earlier private member's bill, but a spokesman confirmed yesterday that his concerns apply equally to Bill 56."

What I'm trying to say here today is that this government has really done nothing to prepare for emergencies. They've waited three years, and right now we're in a position where we have a controversial Bill 56 before the House.

### ENDANGERED SPECIES

**Mr. Gilles Bisson (Timmins-James Bay):** The evidence is everywhere that the Ontario Endangered Species Act is ineffective and needs to be updated. I think we can all agree with that.

One of our concerns is that while the McGuinty government issued a white paper to begin discussions leading to legislation reform, it continued to make decisions that negatively impacted the habitat of threatened and endangered species across this province.

New legislation, in my view and I think in the view of others, is not going to matter unless it provides for meaningful protection for the threatened and endangered species, and protection for endangered species means protecting their habitat.

It's somewhat ironic that today, the government, on the one hand, is talking about stronger protection for endangered species while simultaneously an aggregate quarry on the Niagara Escarpment, or on the gravel belt, I should say—the greenbelt is what it's really called—is destroying and threatening endangered species. Just today, a proposed quarry inside the government's greenbelt is in the news because the quarry development will impact on the Jefferson salamander, a threatened species under the Endangered Species Act, as well as the butter-nut tree, which is an endangered species under the provincial act. In fact, the proponent of the quarry, Neilsen aggregate, is reported as having already cut down several of those trees that are already protected under the act. So it's quite clear from these actions that the government failing to protect endangered species, and we look forward to the debate.

And I would remind the minister that there is another endangered species, and those are workers across northern Ontario who are losing their jobs as a result of this government's policies in places like Smooth Rock Falls.

### EMERGENCY PREPAREDNESS

**Mr. Peter Kormos (Niagara Centre):** Well, I'm just so delighted that the government is recommending 72-hour survival kits, a couple of bottles of Evian water, some candles, perhaps, and a sleeping bag. I mean that's the sort of hokum and jingoism that governments were trying to promote in the 1950s when they were telling kids, "If you roll up in a ball once the air raid sirens sound and cover your ears, that nuclear blast isn't going to affect you." What silliness and what an incredible lack of content to the government's purported concern and interest in emergency management. Quite frankly, Bill 56 misses the mark by a long shot. It doesn't even come close to the bull's eye; it doesn't hit the target.

The fact is that emergency preparedness is all about what's there on the ground in communities across this province, not just big-city Ontario but small-town, rural, northern and remote Ontario. The reality is that if you don't have adequately staffed, trained, tooled and resourced firefighting services, if you don't have adequately staffed, trained and resourced police services, if you don't have adequately staffed, trained and properly directed paramedics, and if you don't have health professionals working in our hospitals out there in public health and across the field in the emergency rooms, as well as in critical care, you're not prepared for emergencies. This



government has abandoned those people, those front-line emergency response personnel here in the province of Ontario.

One thousand new cops: You haven't delivered, and police services across Ontario have a hard time delivering even core services, never mind responding to an emergency. You still haven't sat down with health professionals represented by unions like OPSEU, SEIU and ONA to negotiate a protocol as to how they're going to conduct themselves in the context of response to an emergency, and they were there, Minister, in a way this government wasn't during the SARS crisis. You haven't ensured that the same health professionals, along with other first-time front-line emergency responders have the tools to protect themselves, for Pete's sake. Nurses got sick out there along with other health professionals caring for victims of SARS.

You can't expect communities, with your maintenance of the downloaded tax base, to be able to afford the adequate staffing and resourcing of firefighting, policing or these health personnel. This government, rather than providing relief for communities with their increasingly stressed tax base, continues to download and refuses to fulfill its obligation—Dalton McGuinty's and the Liberals' obligation—to support firefighters, health professionals, paramedics and police services.

I suggest to you, Minister, that rather than talking about history—the \$30 million for firefighting services is gone, it's finished, it's over and it's done nothing to upgrade the levels of staffing in communities across Ontario. Your denial of the reality of the disaster-prone areas of this province puts people at risk, and your suggestion that a 72-hour survival package—a candle, a couple of bottles of Evian, some matches and a sleeping bag—is an adequate or realistic or meaningful response to an emergency is foolish, silly and downright naive.

#### VISITORS

**Ms. Kathleen O. Wynne (Don Valley West):** On a point of order, Mr. Speaker: I'd like to draw members' attention to the members' gallery here. We have summer interns Anika Khanna, who's working in community safety; Delia Greco, who's working in education; Andrew Block is going to be in community safety; Damien O'Brien, working in tourism; Ted Gotlieb is working in education; and Amber Kanwar is working in education. We welcome you all, and we're glad to have you here.

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#### ORAL QUESTIONS

##### ONTARIO DRUG BENEFIT PROGRAM

**Mr. John Tory (Leader of the Opposition):** My question is for the Premier. Yesterday, your minister, despite being confronted by his own leaked cabinet docu-

ment, denied that you and your government are moving the Ontario drug benefit program towards reference-based pricing. He said that competitive agreements would keep this from being the case.

However, the leaked document also indicates that competitive agreements, or "preferred formulary listings," are common in US-style HMOs, where of course we have bureaucrats and managers making treatment decisions instead of doctors.

Premier, is it your intention through this bill which you're now trying to ram through the House to turn the Ontario drug benefit program into a US-style HMO, where managers and bureaucrats make decisions about health care and drugs, and not doctors?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the Minister of Health.

**Hon. George Smitherman (Minister of Health and Long-Term Care):** As I had a chance yesterday to say to the honourable member, who seems to have taken a smoking gun and shot himself in the foot with it, no. The reality is clear. But I'm very happy to spend more time today and also to visit with the honourable member, if not at Bloor and Jarvis, then on a street corner more familiar or comfortable to him, to have a very thorough debate about this subject. Because at the heart of it, this is about improving access for Ontarians to important pharmaceutical product and at the same time making sure that the people of the province of Ontario get appropriate respect and acknowledgement for the volumes that we purchase.

I can only say again to the honourable member, this is not reference-based pricing; we've rejected that. This is not therapeutic substitution; we've rejected that. This very simply is making sure that in respect of the volumes that we purchase, we get very good pricing so that we can turn that into improved and more timely access for the people, the patients of the province of Ontario.

**Mr. Tory:** What this is, actually, is therapeutic elimination, which is even worse than therapeutic substitution. This leaked cabinet submission dated March 30, 2006, which is about two weeks before you brought the bill to the House, states that your competitive agreements plan, the basis upon which you'll have these drugs selected, is based on the US Department of Veterans Affairs model.

There's a study published last October by Frank Lichtenberg called *Older Drugs, Shorter Lives?* It looked at these veterans' affairs formulary listings and it found that the majority of the drugs delivered by those programs are more than eight years old, and 40% of the drugs are more than 16 years old, meaning they're not new drugs at all; they are in fact the oldest drugs, because those are the people who win these competitions that you're going to be running here in Ontario.

Your new scheme has proven to be a dismal failure elsewhere where it's been implemented. Why are you insisting on bringing in a US-style program where bureaucrats and managers pick old drugs for people—

**The Speaker (Hon. Michael A. Brown):** The question has been asked. Minister of Health.



**Hon. Mr. Smitherman:** If it is so, if it is as the honourable member says, then why did the Cancer Advocacy Coalition of Canada say the following in response to the introduction of Bill 102: "Ontario appears to have set a new standard for access to drugs, one that other provinces can emulate.... Today, cancer patients have renewed confidence that they have been heard and their needs will be addressed"?

Simply put, the honourable member is grasping at straws here. Like I said, he thinks he found a smoking gun, and he shot himself in the foot with it. But the reality is that his imagination cannot create the circumstances that he is conjuring up. It is clear: We believe fundamentally that the relationship with respect to prescribing is primarily the responsibility of a doctor and a patient, but that does not mean that Ontario should stand on the sidelines and pay any price. We believe fundamentally that because we purchase \$3.5 billion worth of pharmaceutical products, the patients of the province of Ontario deserve to know that they are getting—

**The Speaker:** Thank you. Final supplementary.

**Mr. Tory:** What the patients of Ontario deserve to know is that they're getting an excellent price and that they will get the drug their doctor prescribed for them, which will work best for them, not a drug selected by some bureaucrat who works for you.

Now, you've denied all of this, but your cabinet submission speaks for itself. The fact of the matter is, if a manufacturer cannot successfully negotiate with you or compete successfully on one of these agreements, then the people who are prescribed that drug are not going to get it paid for by the drug benefit plan. You have a quote; let me read you this one. Gail Attarra, executive director of the Canadian Society of Intestinal Research, says that the use of the word "similar" in your legislation is unacceptable. In fact, she says it's outrageous because it will open the door to precisely this kind of thing and that your bill will allow interference in the doctor-patient relationship.

So my question to you is this: She wants the word "similar" removed from the legislation so that we're certain that what a doctor prescribes is what the patient will get, paid for by our program, not something where you interfere with that. Will you commit to removing that word from the bill?

**Hon. Mr. Smitherman:** Now the honourable member, because he doesn't even understand the subject matter that he's delved into, is drawing us into an altogether different arrangement. The use of the word "similar" in the legislation is designed to give Ontario the capacity, in a circumstance where a drug manufacturer chooses to change the delivery mechanism from a capsule to a tablet—the same product otherwise, but to change the delivery mechanism—that we would characterize that as similar to ensure that if there was a generic product available, Ontario would be in a position to take advantage of it. It is a very narrow range of circumstances. On this one, I'm involved in very detailed conversations with the pharmaceutical industry in the

recognition that as we move towards committee—we don't presume it will happen there, but we will work hard to attempt, through better use of language and detail, to address concerns that are raised. On this one, it's a very narrow definition and has nothing to do with the subject matter that the honourable member raised in his first question.

#### NATIVE LAND DISPUTE.

**Mr. John Tory (Leader of the Opposition):** My question is to the Premier. It has been some time since we heard from you and your government with respect to the status of the Caledonia situation. I wonder if you could provide us with an update as to where things stand, progress made or lack thereof and how much longer we would expect the discussions to go on and this situation to persist.

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the minister responsible for aboriginal affairs.

**Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs):** I have to tell you that this is the issue that this government is seized with 24 hours a day. We have many ministries, many deputy ministers right across all the ministries working on this. There are daily conference calls between ministries, also with Ontario's chief lead, David Peterson, as he gives us feedback on his discussions with the various groups, organizations and individuals involved in the Caledonia dispute. We feel we are making progress. We have to be patient with the political and democratic processes of the aboriginal people, such as when we reach certain levels of agreement, then there has to be consultation, and we wait for those responses.

**Mr. Tory:** Reports from witnesses close to the front lines indicate that things could be getting worse, and not better, while these discussions are ongoing. We've been informed, for example, that the occupation perimeter has now been expanded to north of the Grand River. We've been informed that the protesters are now also occupying the overpass over Highway 54. There are concerns that are increasingly being expressed with respect, for example, to objects falling off the bridge onto the highway below.

I wonder if you could confirm or deny that this is the case, that in fact the area of occupation and some of the things that are being occupied have expanded in the last period of time, and give some indication to us as to what is being done to stop this from happening while the discussions are going on with respect to the original area that was being occupied.

**Hon. Mr. Ramsay:** I have to say to the member that I'm not aware of an expansion of the area of occupation. I have been concentrating on the issues of resolution of this dispute with our chief lead, David Peterson, and working with other officials within the government. Again, I would ask that people have some patience with this. This is a very difficult situation. We're dealing with



various groups within the Six Nations community, not only the elected chief and council but also Chief MacNaughton of the Haudenosaunee organization. So we're dealing with all the various organizations and groups there. It is taking time, but we're looking for a peaceful resolution to this, and I'd ask for the member's support in trying to find this.

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**Mr. Tory:** Of course you have our support in trying to reach a peaceful resolution, but I think these are questions that are quite properly asked on behalf of the people.

There are signs. In fact, the OPP know about some of the new area that seems to be in question, which I made reference to earlier, so I would think you should know as well from these briefings.

I also had an e-mail this morning in response to one I had written back, where that person had written to me. There was quite a change in the tone of the e-mail, which I regret, because I reported to you that when I was down there to have a look, people had expressed a real wish to see the long-standing historical relationship between the First Nations people and the other residents maintained. There's a change in the tone of these e-mails, but the one I got back this morning talked about other problems: Imperial Oil in Nanticoke not able to ship by rail as the track is closed; Lake Erie Steel having problems with the ash, which they can't ship, and they're having issues with the Ministry of the Environment; various businesses referred to—Winegard Motors, Searles Chev, Zehrs etc—noted a large drop in sales, as much as 50% to 75%; and add to that the fact that, from the e-mails I'm getting now, the tone from the residents there is changing, which can't be a good thing.

I just wonder, given the apparent deterioration, both geographically, if I can call it that, and also in terms of business and other things, what are you doing to step up the pace of trying get this resolved to the maximum extent you possibly can?

**Hon. Mr. Ramsay:** As the member knows, we did appoint David Peterson, former Premier of the province, highly qualified in this area, and let me tell you that he and his team, backed by the Ontario government, are doing everything they can to resolve the immediate issues.

I'd remind the member that we are also looking at the long term. I have a very good relationship with the federal minister, Jim Prentice. Together, we have both appointed long-term negotiators, he, Barbara McDougall, and I, Jane Stewart on behalf of the government here, two highly qualified people who will start tomorrow with long-term discussions. Entering into that, we hope to get a short-term resolution and, in the end, solve this problem once and for all.

## CANCER TREATMENT

**Mr. Howard Hampton (Kenora–Rainy River):** My question is for the Premier. Lori Borsos is a 46-year-old

mother from Hamilton. She has three children. She also has cancer. She says that your government's new two-tier cancer drug policy doesn't bring her any closer to getting the cancer drugs she needs to battle multiple myeloma. I want to quote her. She says, "It's such a shame. We're supposed to have universal health care, but it's going to be about who has the money. Everyone should be able to get it. It could mean the difference between me living or dying."

Premier, your scheme will help wealthy Ontarians pay their way or buy their way to the front of the line for the cancer drug Mrs. Borsos can't afford. How is that not a two-tier health care system?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I'm pleased to take the question and lend some insight into our thinking on this. First of all, we have not adopted any particular policy. We've asked Cancer Care Ontario to come up with their very best advice in this regard, and one of the things we've asked them to consider is the model, of which the member is being critical, which has been adopted by Saskatchewan, the birthplace of Canada's medicare system. They have in place there a model which requires that all their public hospitals administer drugs which are not publicly funded for cancer, for example, by means of intravenous administration. So all we're doing at this point in time is considering the fact that what we have in place is kind of a hodgepodge. Some of our public hospitals are in fact administering these drugs, which are not funded through the public system, and other of our public hospitals have chosen not to do so. So we're asking Cancer Care Ontario to look at the model which has been adopted in Saskatchewan and some other options as well.

**Mr. Hampton:** Premier, there is no such policy in Saskatchewan. Velcade is approved and funded for cancer patients in Saskatchewan.

Like many Ontario cancer patients, Lori Borsos is too ill to work. She's getting by on her workplace disability benefits, hardly enough to afford a drug like Velcade for her multiple myeloma. The drug can cost over \$40,000 a year. But as I say, seven other provinces pay for Velcade, Saskatchewan included, for cancer patients who need it. But instead of doing that, your plan is to help people who are wealthy enough to buy the drugs for themselves, while people like Lori Borsos, who has a modest income, do without. I ask you again, how is that not two-tier health care?

**Hon. Mr. McGuinty:** I think it's important for all of us to acknowledge that the second tier is already there. There are certain drugs that are publicly funded and there are others that are not. Some are in a financial position to be able to buy drugs that are not publicly funded.

The issue we are grappling with today is whether or not our public hospitals should facilitate the administration of those drugs, particularly intravenous drugs. That's what we're grappling with at this point in time. I gather that what the honourable leader of the NDP is telling us is that he does not feel that public hospitals should be administering intravenous drugs that are paid



for through that second tier which already exists in the province of Ontario. I appreciate that advice, and I'm sure that Cancer Care Ontario will want to consider that together with their other considerations.

**Mr. Hampton:** What I advocate is that your government do a better job in terms of drug therapy. The most recent review, report card, of provinces and their cancer drug therapies puts your government next to the bottom in all of Canada. For example, Saskatchewan is funding nearly twice as many of these drugs as the McGuinty government.

It seems to me, Premier, that you have a choice: You can stand up for cancer patients like Lori Borsos, who doesn't have a lot of money, by making drugs like Velcade available to them when their doctor says they need them, and make them available at no charge, or you can turn your back on medicare and promote your two-tier cancer drug scheme that will help those Ontarians who are wealthy enough to buy the drugs, and turn your back on low- and modest-income Ontarians like Lori Borsos. My question to you is, which is it going to be: two-tier medicine under Dalton McGuinty—

**The Speaker (Hon. Michael A. Brown):** The question has been asked. Premier.

**Hon. Mr. McGuinty:** Just so we're clear, our new drug funding program has been growing at an average annual rate of over 40%. Drug spending overall, all drugs included, is growing in the double digits, an average of 13.6% per year over the last five years. It's going to be a real challenge, obviously, for Ontario to fund every possible new drug that is introduced into the marketplace, as the Minister of Health indicated when he announced funding for Herceptin at a cost of \$148 million.

What we're doing right now is trying to have an honest debate as to whether or not that second tier, which already exists, is something that the public system should facilitate by way of administration. Do we tell these people, "No, you're going to have to go south of the border and pay that additional cost down there," or do we say in Ontario what they're saying in Saskatchewan, which is that the public system does have some responsibility to help in the administration of those drugs which are not publicly funded? That's something that we're grappling with. It is not an easy issue, but we're trying to do it in an open and transparent way.

#### MEMBER FOR PARKDALE-HIGH PARK

**Mr. Howard Hampton (Kenora-Rainy River):** To the Premier: I think it's pretty clear you want to facilitate two-tier medicine.

Premier, during the last election you promised to strengthen democracy in Ontario, and it seems to me that the very least you can do to strengthen democracy in Ontario is to make sure that your own MPPs treat their responsibilities as members of the Legislature as full-time jobs. For all intents and purposes, the MPP for Parkdale-High Park, Mr. Kennedy, is no longer serving his constituents on a full-time basis; they're an after-

thought in his current world. Yet he continues to collect from the public of Ontario an office, personal staff and \$1,600 every week for his personal salary, all paid for by the average Ontarian. My question is this: Is this acceptable to you, Premier?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** Let me take the opportunity to say how grateful we are that Gerard Kennedy committed himself to public service, served in our party for some 10 years and has now decided that he's going to carry on that public service in another level of government. He has always worked long and hard on behalf of his constituents, and he has indicated very clearly that he will, at some point in time, resign, but that is a matter for careful consideration by Mr. Kennedy and his constituents.

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**Mr. Hampton:** Premier, let me tell you about some of the good work Mr. Kennedy has been doing for the people of Parkdale-High Park over just the last two weeks. According to his own website, he has criss-crossed the Rockies of British Columbia, he has wandered the Atlantic coast of New Brunswick and on Saturday he announced he was house-hunting in Quebec. Meanwhile, Ontario's working families are paying Mr. Kennedy \$1,600 a week.

I ask the question again: Is this acceptable to you?

**Hon. Mr. McGuinty:** Something that the leader of the NDP overlooked in describing Mr. Kennedy's activities is that just last week a project which he has been working on actively for some time now came to fruition. He announced the redevelopment of St. Joseph's hospital here in western Toronto, complete with its modern maternal and newborn services, two surgical in-patient units, capacity for a six-bed child and adolescent mental health unit and added capacity for an up-to-28-bed medical unit. I know that's something Mr. Kennedy has been personally very much committed to that has come to fruition on his watch, and I expect that he will continue to work in an active way for his constituents.

**Mr. Hampton:** I guess that was just before he announced he was house-hunting in Quebec.

Just a few years ago members of your caucus expressed serious concerns when the former MPP for Mississauga West, Mr. Snobelen, moved out of Ontario but continued collecting his MPP paycheque. One of them told then-Premier Ernie Eves, "Your government and your leadership have been nothing short of an abysmal failure ... the people of Ontario deserve much, much better."

Who said that? Why, it was Dalton McGuinty.

Premier, how is it that you condemned part-time MPPs just a few years ago when in opposition, but today, when it's one of your own MPPs, Dalton McGuinty's standards suddenly change?

**Hon. Mr. McGuinty:** The leader of the NDP and I obviously see this differently. I think there's a difference between leaving the country and spending four or six weeks in an adjoining province. I think there's a differ-



ence with an individual like Mr. Kennedy, who remains very much committed to his constituents, who has been actively involved in supporting their causes, who was involved with an important health care announcement just last week, who has indicated clearly that he intends to resign and has also said that is a matter for discussion between himself and his constituents. I think we have to take him at his word, and I ask the leader of the NDP to be patient in this regard.

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Order. New question, the Leader of the Opposition.

**Mr. John Tory (Leader of the Opposition):** I'd like to continue with this with the Premier.

*Interjections.*

**The Speaker:** Order. Stop the clock. Minister of Education, Member for Trinity-Spadina, order.

The Leader of the Opposition.

**Mr. Tory:** If you listened to people calling this morning talking about this, they're of the view that it is almost impossible for someone who is criss-crossing the Rockies and being in New Brunswick and being in Quebec for weeks at a time—in fact, originally months at a time—to serve their constituents. I think it is about leadership and it's about example, because we are doing damage to the process and the confidence that people have in all of us by trying to pretend that it is possible for someone, when they're gone from this place for weeks at a time, to also serve their constituents. So in that sense, I'm asking you to reconsider. You've said there will come a point in time. You've said that it's someone else's responsibility. I would suggest it is your responsibility to say to him that you can't do two things at once and that the time has come, when he's crossing the country and indicating his intention to move elsewhere, to step down from his seat.

**Hon. Mr. McGuinty:** I have every faith in the good people of Mr. Kennedy's riding to pass judgment on this. At some point in time, Mr. Kennedy will step aside, there will be a by-election and the good people of that riding will be able to take whatever circumstances they wish to into account. In the interim, Mr. Kennedy, I know for a fact, remains very much committed to his constituents. He continues to work actively on their behalf. Ultimately, his departure is an arrangement he's going to come to with his constituents.

**The Speaker:** Supplementary, the member for Leeds-Grenville.

**Mr. Robert W. Runciman (Leeds-Grenville):** I think Mr. Kennedy is very much committed to his entitlements, and that's the Liberal mentality. This really is about the Premier's leadership or lack of leadership. We can understand, given the Premier's sorry record in respect to broken promises, why he doesn't—

*Interjections.*

**The Speaker:** Minister of Education, I won't warn you again.

The member for Leeds-Grenville.

**Mr. Runciman:** Premier, given your sorry record of broken promises, I can understand your difficulty in trying to compel another Liberal to keep a promise. But this is important. He's showing contempt for the constituents. You say that he referred this to his constituents. They can't find him: British Columbia last week, New Brunswick next week, this man is never in the province of Ontario. How can you, as the leader of the Liberal caucus, endorse this kind of activity? How can you stand on your feet here and endorse that kind of activity?

**Hon. Mr. McGuinty:** Nobody can muster indignation like the member opposite when it comes to these kinds of issues. Again, I have confidence both in the member, Mr. Kennedy, and in his constituents. Mr. Kennedy remains very much devoted to his responsibilities. He remains very much committed to his constituents. Just last week, he participated in a very important announcement that the members opposite may not feel is important to the constituents of that riding, but I know that Mr. Kennedy in fact feels is very much the case. Eventually, Mr. Kennedy and his constituents will come to an arrangement regarding his departure, but until that time I'd ask the members opposite to remain patient.

#### NATIVE LAND DISPUTE

**Mr. Howard Hampton (Kenora-Rainy River):** My question is to the Premier. I'm tempted to ask again about the Liberal MPP who has gone Snobelen, but I have another important issue to raise.

Premier, the Kitchenuhmaykoosib First Nation is being sued for over \$10 billion by Platinex, a mineral exploration company, because the First Nation has acted to protect their traditional territory. This First Nation is a remote fly-in community of 1,200 people; 80% of the people are unemployed. They're poor. Yet this mining company is going to sue them for \$10 billion because the community has dared to stand up and defend their own traditional territory. The chief has asked me to ask you this question: Will you intervene on the side of the First Nation in this vexatious lawsuit?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** Minister of Northern Development and Mines.

**Hon. Rick Bartolucci (Minister of Northern Development and Mines):** We certainly take this issue very seriously. The member would know that my ministry staff have been in contact with both the First Nation community and the company. We were hoping for some type of resolution. It appears, at this point in time, that the company will be taking the First Nation to court. It would be inappropriate for us to comment on this as it could be the subject of a legal matter.

1500

**Mr. Hampton:** Here's the great irony. This court case is due to be heard on June 21—National Aboriginal Day.

Premier, it was your government that issued the permit to this mining company. The First Nation said, "Look, we object to any kind of mineral exploration taking place



in our territory.” They explained that to officials of your government. Since that date, they have not heard a word from your government.

Now, Caledonia is a situation where your government ignored all the warning signs. Here you’ve got a remote First Nation; there are no non-aboriginal people who live anywhere near it. They’re saying to your government, “Do not promote this kind of conflict. Do not issue these kinds of permits when you know the First Nation is opposed and when you haven’t consulted with the First Nation.” They’re simply asking you, since you created this problem by giving the mining company the permit in the first place, will you now intervene on the side of the First Nation and help them defend their traditional rights and their traditional land, or do you want to see a more serious conflict here?

**Hon. Mr. Bartolucci:** To be perfectly honest with the member who’s asking the question—and he certainly knows that our ministry has been in constant contact with the First Nations community. Because it is a matter that’s before the courts, we’re not—

**Mr. Hampton:** That is a bunch of BS.

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Withdraw that remark.

**Mr. Hampton:** I withdraw—

*Interjections.*

**The Speaker:** Just withdraw.

**Mr. Hampton:** I withdraw the remark.

**Hon. Mr. Bartolucci:** The member would know that ministry staff have visited the community to hear the concerns of the First Nations people. He would also know that mining claims and leases are valid under the Mining Act. Certainly it’s the view of this ministry that we want to work with both sides to try to come to some resolution before these matters end up in the courts. We will continue to do that, as we will continue to honour our commitments that we must live up to under the Supreme Court decision, which says that we have a duty to consult. We take that very seriously.

## NURSES

**Mr. Tony C. Wong (Markham):** My question is for the Minister of Health and Long-Term Care. Minister, you announced an exciting new initiative yesterday that will guarantee full-time employment for new nursing graduates. With Tom Closson at the helm, I have great confidence that our future nurses will find rewarding employment here in Ontario.

In York region, which includes my riding of Markham, there is a growth rate of 100,000 people each year. This influx of residents, coupled with an aging population, requires additional nurses to handle the increased volume. Nurses are vital to our health care system, and it is imperative that we value the incredible contributions they make.

Minister, we need to keep our new nurses in the province and the more experienced nurses working. How will this initiative help the nursing workforce as a whole?

**Hon. George Smitherman (Minister of Health and Long-Term Care):** Of course, on a subject matter as important as nursing, nothing less than a comprehensive strategy will do. Accordingly, that’s what we’ve been developing, and we added important new elements of it yesterday.

I don’t know about you, Mr. Speaker, but I’m one of those who believes it’s just about time, in this province, that those young nursing grads being freshly minted from our colleges and universities are given the opportunity to practise their craft in a fashion which is good for our patients, and that means full-time employment. So yesterday we moved forward to implement a guarantee in 2007 that will see each of our new nursing grads given a guarantee of a full-time job.

We’re making progress with respect to the nursing file. For the first time in nine years, we’ve flatlined the age. That means that the average age of nurses is not going up any longer. We’ve been able to fast-forward by a full year the expansion of nurse practitioners seats to 150—

**The Speaker (Hon. Michael A. Brown):** Thank you, Minister. Supplementary?

**Mr. Wong:** It is encouraging to know that we at Queen’s Park are listening to what nurses want and are taking action. Under previous governments, the number of working nurses in Ontario dropped significantly, and I’m proud that under our government that number has considerably increased. Doris Grinspun of the Registered Nurses Association of Ontario estimates that there are 4,500 new nurses working in this province. Minister, yesterday’s announcement was part of the larger strategy called health force Ontario, with a goal to make Ontario the employer of choice for health care workers. Can you elaborate on how the nursing graduate guarantee fits into the broader strategy as a whole?

**Hon. Mr. Smitherman:** I most certainly can. I want too thank the honourable member for Markham for his tremendous commitment to health human resources in this province. Our goal, simply put, is that Ontario must be an employer of choice, that in an environment which is competitive, we have an obligation to do our very best. We haven’t yet achieved that, but we’re making tremendous progress.

We’re working with new and expanded roles in health care, including physician assistance. We’re going to develop our workforce so that all of those internationally educated health professionals—not just doctors—are given a single portal and an easier transition so they can be out there on the front lines working for Ontarians. We’re doing that in co-operation with the Minister of Citizenship and Immigration. We’re going to compete for health human resources wherever we have to. The United States is home to 9,000 doctors who have left our province. We’re working to repatriate them.

The efforts of the honourable member for Markham and his commitment to his local community are going to be part of what we can sell: historic opportunity to do a better job for our nurses—

**The Speaker:** New question. Thank you.



## NATIVE LAND DISPUTE

**Mr. Toby Barrett (Haldimand–Norfolk–Brant):** To the Premier: The Caledonia standoff is in its 72nd day. Provincial Highway 6 is blocked. The main street of Caledonia is blocked. The railroad to Nanticoke is blocked. This weekend the encampment moved north of the Grand River, and your minister was not aware of that, even on 24/7. Also this weekend, in spite of all this, David Peterson is quoted: “We’ve made some headway. I feel positive.” But now we have a native warrior flag flying on top of one of the new hydro towers. Premier, just what headway have you and Mr. Peterson made in keeping the new power line project on track?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the minister responsible for aboriginal affairs.

**Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs):** I say to the local member that I understand his frustration and his impatience with what’s gone on for a very long time. I want to assure him that the Ontario government is working very hard with all its resources to try to resolve this. It is a very difficult situation. We want to make sure we resolve this peacefully. We’re working with all the parties involved, with your community, keeping your municipal officials well informed as to what’s going on. It’s a very challenging task for David Peterson and his team, but they’re working very hard at it and they’ve got the support of the whole Ontario government behind them.

**Mr. Barrett:** Lack of leadership has turned this into a boondoggle. We now have trestles from one of the new hydro towers creating the new blockade north of the Grand River. I know you’re not aware of this; you should go down and take a look. A warrior flag is flying 130 feet high on top of one of the hydro towers. This is a massive power project. It runs the length of the Niagara peninsula from Thorold into Caledonia and beyond. It has 800 megawatts of transmission capacity, reducing transmission losses, reducing the risk of blackouts. I’m told it will serve 300,000 people. But now we have warriors on the towers, not Hydro One workers. Minister—in your role as Minister of Energy perhaps—how long can this project be delayed before the lights actually go out in the province of Ontario?

**Hon. Mr. Ramsay:** I want to say to him, and reinforce what I said earlier, that we have a lot of people on the ground in your community supporting David Peterson as the provincial lead in these discussions. As he knows very well, there are a lot of different groups involved in this dispute. We are totally engaged with all the groups that are involved in this dispute. We’re doing that 24 hours a day. I said to your leader earlier, we have to be patient with the consensus-building process of the Six Nations people as they work through that. We think we are making progress. Believe me, when we get to the point where we think we’ve got this solved, I will be very happy to be informing this House when we get there.

1510

## SCHOOL SAFETY

**Mr. Rosario Marchese (Trinity–Spadina):** My question is to the Minister of Education. The so-called Safe Schools Act, sometimes known as the gang recruitment act, is a proven failure. Teachers, parents, youth, even the Human Rights Commission, say that your government is targeting youth at risk and forcing them out onto the streets, and in many cases sending them into the hands of gangs with this ill-conceived legislation. For three years, you’ve been promising changes. When are you going to deliver on this promised change?

**Hon. Sandra Papatello (Minister of Education, minister responsible for women’s issues):** I appreciate this question as well. This member likely knows and has followed the work that my predecessor did in this ministry from the moment that we took office. We launched a very significant review of what we felt was a very difficult act called the Safe Schools Act. That review has been done. It invited literally hundreds of participants to speak to us about what the issues were with this act. We believe that it has caused a tremendous amount of difficulty for vice-principals, for teachers, for all of the supports in schools, in how to deal with our students. We know that now that we’ve received all of these submissions, a special task force, which we have had in place for at least a year, is now doing a review and is preparing a final report that I should be receiving very shortly. We intend to act on that very quickly.

**Mr. Marchese:** Minister, in December 2004 you said you’d have a report by the spring of 2005. In the spring of 2005, you said you’d have a report by last fall. Last fall, you said the report would be complete by next year, which is this year. Meanwhile, parents of colour, parents of children with special education needs, continue to file lawsuits on behalf of their children. Meanwhile, students are out on the street without a plan that would give the young people an opportunity to stay in school and get the social and educational support they need to succeed. Why haven’t you scrapped this regressive and ill-conceived legislation?

**Hon. Ms. Papatello:** I think it’s fair to say that in these 30 days as a minister I have spent an inordinate amount of time on the issues around the Safe Schools Act and on the issue of special education. Those both happen to be particular interests of mine. I hope that people in communities across Ontario will recognize that it is part of my own personal history as well. We know that there are significant changes that need to be made. I am determined to see that they be done so that students—and I mean all students—can benefit from an educational experience, be they kids with special needs, kids with children’s mental health needs. People such as those in our gallery today are representing those agencies that take care of many of those same children. I will commit to you today that I will work as quickly as possible to make those changes and to do them well.



## TENANT PROTECTION

**Ms. Kathleen O. Wynne (Don Valley West):** My question is for the Minister of Municipal Affairs and Housing. Last week, our government introduced Bill 109, the Residential Tenancies Act, and I'm very happy that happened. That bill aims to do three things: to protect tenants, to protect landlords and to promote investment in the Ontario rental housing market.

Approximately 1.35 million households in Ontario are renters; that's 32% of Ontarians. In my riding of Don Valley West, approximately half of the residents are tenants. They, along with all of the tenants in the province, have been concerned about the Conservative legislation that has been in place. My tenants' advisory council has been eagerly awaiting the new legislation. We're setting up meetings in two parts of the riding to look at Bill 109. Minister, what's our government doing to help 1.35 million Ontario tenants who are looking for legislation that will keep their buildings maintained?

**Hon. John Gerretsen (Minister of Municipal Affairs and Housing):** First of all, let me thank the member from Don Valley West for her tireless advocacy on behalf of her constituents, on an ongoing basis. Let me also say very quickly that this legislation is fully balanced for good landlords and for good tenants. That's what the legislation's all about.

Now let's talk about what it does for tenants. First of all, we've eliminated the automatic eviction process. Every tenant facing eviction will have the right to a hearing before the landlord and tenant board. Secondly, landlords will not be able to increase rent when there are outstanding work orders and maintenance issues. In effect, that means that there will be better-maintained buildings. Next, as far as the annual guideline increase is concerned, it will be based on the consumer price index. In other words, it will be a much more transparent process than is currently the case. This legislation is good for the tenants of Ontario.

*Interjections.*

**Ms. Wynne:** Contrary to the heckling from the other side of the House, I really think that this is very balanced legislation. It's legislation that's good for good tenants and is good for good landlords.

Toronto Mayor David Miller has said this about our bill that the current legislation "is very anti-tenant and there are significant improvements in the"—

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** The member for Niagara Centre needs to come to order.

The member for Don Valley West.

**Ms. Wynne:** What David Miller said about this legislation is that the current legislation, the Conservative legislation, "is very anti-tenant and there are significant improvements in the" proposed "legislation that will increase tenants' rights and make the system much, much fairer for them." That's why I'm pleased with this legislation.

Ontario tenants are happy to hear that our government has introduced this bill that aims to protect them, and the

landlords of rental properties also have asked for a fairer system. They've asked for better protection so that they can offer a well-maintained living environment to their tenants, and that's the fair thing. Minister, how does our proposed legislation better protect good landlords?

**Hon. Mr. Gerretsen:** Before dealing with that, let's just deal with another issue that's good for tenants. If there are above-guideline increases that have been granted by the landlord and tenant board, either for capital improvements to a particular unit or for increased utility costs, those costs will come off once they've been paid for or the utility costs go down.

It will help good landlords in a situation where a tenant does wilful damage to a unit. Under those circumstances, a landlord will be able to get rid of a tenant who does wilful damage or is involved in illegal activities in that unit much quicker than is currently the case.

When you look at the bill in its entirety, it is much more transparent than the current legislation. I don't know why that member on the other side doesn't go for this good, balanced legislation that is good for both landlords and tenants. This is what good landlords and good tenants want for the rental properties in Ontario. We totally support this bill and we would ask the members on the other side to support this bill as well.

## NATIVE LAND DISPUTE

**Mr. Garfield Dunlop (Simcoe North):** My question today is for the Minister of Community Safety and Correctional Services. Since February 28, the OPP have had a presence in Caledonia 24 hours a day, seven days a week. The officers at Caledonia have been dispatched from detachments right across our province, and many of them are from detachments that are under municipal policing contracts. As you know, many of the municipal contract forces are already understaffed. Minister, how are you preparing to compensate the municipalities for the use of their officers who are working full time at Caledonia today?

**Hon. Monte Kwinter (Minister of Community Safety and Correctional Services):** I thank the member for the question. I'm sure he realizes that the responsibility of the deployment of officers is in the hands of the commissioner and her senior staff. I have been assured by the commissioner that all of their responsibilities have been covered and that they have adequate provisions to make sure that they can deal with the situation in Caledonia without in any way impacting their responsibilities in other areas of the province.

**Mr. Dunlop:** Minister, a week ago I asked you what was the daily cost to the OPP to have officers in Caledonia. At that time you didn't provide me with the answer, and I thought that was an answer you would have at the tips of your fingers. I am told by reliable sources that the accommodation cost alone to have officers in Caledonia is \$100,000 per week. In other words, since February 28, the OPP have likely absorbed accommodation costs alone in the range of close to \$1 million.



1520

Minister, with salaries, overtime, vehicles, accommodation and administration costs, I believe that Caledonia has cost the taxpayers of Ontario and the Ontario Provincial Police budget somewhere in the range of \$8 million. If you're not prepared to help the municipalities, are you prepared to go back to the cabinet table and find the millions of dollars for the unexpected costs that the OPP have been subjected to at Caledonia?

**Hon. Mr. Kwinter:** The member, with all due respect, is wrong. The OPP have a global budget. They don't go out and hire new people to deal with a particular situation. So their budget is the same regardless of whether those people are in Caledonia or whether they're somewhere else, as long as they have the coverage, which they do. The only time that would change is if they had to go out because they needed additional resources. To this point, they have indicated to me that they don't. So there's no additional cost; it has just been reallocated within the province. They have assured me that the requirements to police the various communities under their contractual obligations are being carried out.

### COLLÈGE BORÉAL

**M. Gilles Bisson (Timmins-Baie James):** Ma question est pour le ministre des Collèges et Universités. Vous savez que la population de Timmins s'est prononcée en faveur de la construction d'un nouveau campus pour le Collège Boréal à Timmins. Plus de 500 citoyens vous ont envoyé des lettres exigeant que votre gouvernement finance la construction de ce campus. Quand les gens de Timmins pourront-ils s'attendre à une annonce positive envers la construction d'un campus permanent à Timmins pour le Collège Boréal?

**Hon. Christopher Bentley (Minister of Training, Colleges and Universities):** Merci, monsieur le Président, pour la question. I thank the member for the question. What I indicated to the member several weeks ago, when he asked me about the campus proposals in Timmins, was the following: We are determined as a government to ensure a very strong Franco-Ontarian college/university presence in the province of Ontario. It was one of the features of the Reaching Higher plan: more money for all colleges and universities; more support in particular for Franco-Ontarian education; and a special advisory committee set up to ensure greater access to and success in our French-language colleges and universities.

What I said to the member was that we are working right now with the parties, in particular with the presidents of the two colleges, to develop a stronger system. When that discussion is complete, we will have discussions about capital needs throughout Ontario.

**M. Bisson:** Ce qui est clair est que ce qui est là présentement comme localisation pour le Collège Boréal n'est pas adéquat. On ne peut pas offrir les programmes nécessaires pour attirer les jeunes, et pour les jeunes qui veulent continuer au postsecondaire en français, c'est

difficile à Timmins. Parfois ils choisissent d'aller soit à Ottawa soit à Sudbury parce que ces locaux ont les programmes qui sont capables de les attirer.

La communauté a fait ce qu'elle avait à faire. Ils ont fait les partenariats, ils ont engagé les jeunes et ils ont engagé la communauté dans le processus de choisir le Collège Boréal. C'est un collège qui est actif. C'est un collège qui fait partie de la communauté. Nous, on a fait ce qu'on avait à faire sur le bord de Timmins et du Collège Boréal. C'est la seule proposition du Collège Boréal à travers l'Ontario.

On vous demande encore, quand est-ce qu'on peut s'attendre à une réponse positive pour pouvoir commencer la construction avec ce site permanent?

**Hon. Mr. Bentley:** Thank you once again. I think the member raises a very important point, which is ensuring access to post-secondary education throughout the province of Ontario, not just in the largest centres of the province. It was for that reason that the Reaching Higher plan included an increase in the small northern and rural grant. And so colleges, including French-language colleges, throughout the north, throughout the province of Ontario, received greatly increased funding during the past fiscal year to ensure that they have a better ability to provide access to programming for young people, for persons not previously served in smaller and remote communities. It is also the reason that we are having discussions through the various advisory committees, not just the francophone committee, not just the aboriginal advisory committee but also the first-generation committee, on how to expand the reach of educational post-secondary opportunities to the community at large and in particular the Franco-Ontarian community. I look forward to continuing those discussions. We are going to develop a very vibrant plan to improve—

**The Speaker (Hon. Michael A. Brown):** Thank you. New question.

### TRANSPORTATION INFRASTRUCTURE

**Mr. Jim Brownell (Stormont-Dundas-Charlottenburgh):** My question is to the Minister of Transportation. When our government came to office two and a half years ago, we faced not only a fiscal deficit but deficits in health, education and public infrastructure. I am proud that our government has stuck to the plan to address these deficits and, in the most recent budget, the investments we have made in transportation infrastructure.

We know the opposition feels we should put off these necessary repairs. That seemed to be their policy for everything—put it off until later—and the crumbling infrastructure of Ontario that we inherited was the result. We all know how much less expensive it is to repair roads before they deteriorate to the point of needing to be dug up and replaced. I know from my time as reeve of the township of South Stormont that townships simply cannot afford to bear this cost entirely on their own. For example, we struggle in my area with the provincial download of the old provincial Highway 2.



Minister, can you describe what our government has done to help smaller and rural municipalities fund road infrastructure after years of downloading by the previous government?

**Hon. Harinder S. Takhar (Minister of Transportation):** First of all, I want to thank the member for asking this question and I also want to thank him for his advocacy for smaller and rural communities.

Let me just say what our government has done for smaller and rural communities. In the last budget that the Minister of Finance introduced in this House, we provided \$400 million for small and rural communities under the Move Ontario program so that these municipalities will be able to address some of their long-outstanding needs for bridges and roads under this program. In addition to this, our government was the first government ever to provide stable funding for public transit for all communities across Ontario. Under that program, some of the member's communities are also eligible to get some funding, and I can address some of these issues in the supplementary.

**Mr. Brownell:** After working so hard with municipal leaders in my riding of Stormont–Dundas–Charlottenburgh to bring the message that our transportation infrastructure needed provincial attention, I'm pleased to say our government listened. Move Ontario is truly a landmark investment, and I know municipal leaders in my riding were relieved to see our government working with the city of Cornwall and the surrounding townships to help fund road projects. This relief was long overdue. Neglected for years, these municipal roadways are important in linking smaller communities to one another, as well as connecting us all to the broader network of provincial highways. Beyond the tax savings that both municipalities and the province can realize through preventative maintenance, how else do you expect that this investment in transportation infrastructure will help our economy?

**Hon. Mr. Takhar:** I want to thank the member again for asking this question. It is important for us to keep our infrastructure and our roads in good repair. As I said, in the last budget we provided \$400 million under the Move Ontario program for rural and smaller municipalities. Under that program, the Stormont and Dundas community got \$2 million and the city of Cornwall got \$2 million. Also, under our stable funding program where we share the gas tax with all municipalities, the city of Cornwall will get another \$2 million. I'm sure that with this funding they will be able to address some of their long-outstanding need for roads and bridges and also for public transit.

#### BIOSOLID MANAGEMENT

**Mr. John O'Toole (Durham):** My question is to the Premier, in the absence of the Minister of the Environment. Last week, the municipality of Clarington passed a resolution with respect to paper fibre biosolids. The resolution states that biosolids should not be used in our envi-

ronment until advice from an expert panel is followed and we can be assured that safety is addressed.

The impact of paper fibre biosolids has been a huge issue in my riding. SoundSorb is one product and another product they're using is NitroSorb. This has been an issue for Durham region as well as other parts of Ontario. In fact, your previous Minister of the Environment would know much about it as well.

This report was filed with your government in January 2005. When are you going to respond to the expert panel report on the use of paper fibre biosolids on our land in the discussion around Bill 43, the source water protection bill? It's very important.

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I appreciate the opportunity. I know the Minister of the Environment is carefully considering this issue, is taking the appropriate time to ensure that all of the interested parties have an opportunity to provide some advice and reaction to the report, and that in due course she will be speaking to it with some detail.

1530

**Mr. O'Toole:** I would like to put on the record that I would like a written response to this from the minister because it is a technical issue. You would know that the real essence of the issue here is regulation number 347. This regulation exempts what would otherwise be a waste by calling it a product. By mixing paper fibre biosolids with sand or other materials, it becomes a product. That's the issue. It has been before you for a number of years, and I'm now asking for you to respond to the expert panel. You're the government. In the context of source water protection, this is a fundamental issue. What you apply to the land ends up in the aquifers and other source water protection areas.

Premier, will you assure me that you will get back not just to me but to the people of Ontario about safety in our soil as well as our drinking water?

**Hon. Mr. McGuinty:** I know that the member opposite would want to admit that the challenges created by this regulation are the result of regulation created by the previous government. Let me say that I know the minister will give this municipal resolution all the serious consideration it deserves. Again, I know she's carefully considering the matter and will get back in due course.

#### PENSION PLANS

**Ms. Andrea Horwath (Hamilton East):** My question is for the Minister of Labour. The McGuinty government plans to appoint an anti-labour, anti-worker Liberal Party hack as the chair of the Workplace Safety and Insurance Board, but while you push the partisan appointment of your well-pensioned friend Steve Mahoney into the WSIB chair, will you push equally hard for WSIB workers who are fighting to have some say over their own pension plan? Recently, I asked you this question and you mentioned the issue of an RFP that has been issued, but the RFP restricts the consultant from even



considering joint trusteeship. Will you encourage the WSIB to expand the scope of the RFP and include joint trusteeship as a governance model for the WSIB pension plan?

**Hon. Steve Peters (Minister of Labour):** I'm disappointed to hear the member's comments about the selection that has been put forward, and I would ask her to partake in the government appointments process that is in place. It's an open and transparent process, and I would encourage you to be there. As the member should be aware too, the WSIB is an arm's-length agency. The issue she has raised has been raised previously in this House. I know it is a matter that the WSIB is addressing, and I thank the member for the question.

## PETITIONS

### SERVICES FOR THE DEVELOPMENTALLY DISABLED

**Mr. Ted Chudleigh (Halton):** I have a petition to the Legislative Assembly dealing with tomorrow's special session.

"Whereas, without appropriate support, people who have intellectual disabilities are often unable to participate effectively in community life and are deprived of the benefits of society enjoyed by other citizens; and

"Whereas quality supports are dependent on the ability to attract and retain qualified workers;

"We, the undersigned, petition the Legislative Assembly of Ontario to address, as a priority, funding to community agencies in the developmental services sector to address critical underfunding of staff salaries and ensure that people who have intellectual disabilities continue to receive quality supports and services that they require in order to live meaningful lives within their community."

## RECYCLING

**Mr. Mario G. Racco (Thornhill):** "To the Legislative Assembly of Ontario:

"Whereas waste from Ontario public schools that could otherwise be recyclable is contributing to increased landfill sites; and

"Whereas diverting waste is critical to sustaining a healthy environment now and in the future; and

"Whereas there is a need to encourage recycling initiatives in all schools; and

"Whereas the private member's bill proposed by the geography club from Georgetown District High School under Making the Grade will require all Ontario school boards to have two recycling bins in each classroom, one for paper and one for drinking containers. As well, cafeterias must have adequate recycling containers outlining items acceptable to be recycled;

"We, the undersigned, petition the Legislative Assembly of Ontario to pass the private member's bill that will amend the Ontario school boards education act to divert waste from Ontario high school classrooms and cafeterias."

I'll sign this petition.

### SERVICES FOR THE DEVELOPMENTALLY DISABLED

**Mr. Bill Murdoch (Bruce-Grey-Owen Sound):** I have a petition to the Legislative Assembly of Ontario:

"Whereas, without appropriate support, people who have an intellectual disability are often unable to participate effectively in community life and are deprived of the benefits of society enjoyed by other citizens; and

"Whereas quality supports are dependent on the ability to attract and retain qualified workers; and

"Whereas the salaries of workers who provide community-based supports and services are up to 25% less than salaries paid to those doing the same work in government-operated services and other sectors;

"Therefore we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario address, as a priority, funding to community agencies in the developmental services sector to address critical underfunding of staff salaries and ensure that people who have an intellectual disability continue to receive quality supports and services that they require in order to live meaningful lives within their community."

I have signed this.

## COMMUNITY MEDIATION

**Mr. Bob Delaney (Mississauga West):** I'm very pleased to present this petition to the Ontario Legislative Assembly. I especially want to thank Patrick Thomson and Navpreet Randlay, both from Brampton, for having gathered the signatures for me. It reads as follows:

"Whereas many types of civil disputes may be resolved through community mediation delivered by trained mediators, who are volunteers who work with the parties in the dispute; and

"Whereas Inter-Cultural Neighbourhood Social Services established the Peel Community Mediation Service in 1999 with support from the government of Ontario through the Trillium Foundation, the Rotary Club of Mississauga West and the United Way of Peel, and has proven the viability and success of community mediation; and

"Whereas the city of Mississauga and the town of Caledon have endorsed the Peel Community Mediation Service, and law enforcement bodies refer many cases to the Peel Community Mediation Service as an alternative to a court dispute; and

"Whereas court facilities and court time are both scarce and expensive, the cost of community mediation is very small and the extra expense incurred for lack of



community mediation in Peel region would be much greater than the small annual cost of funding community mediation;

"Be it therefore resolved that the government of Ontario, through the Ministry of the Attorney General, support and fund the ongoing service delivery of the Peel Community Mediation Service through Inter-Cultural Neighbourhood Social Services."

This is an excellent petition. I am pleased to sign it and to ask page Haakim to carry it for me.

#### GASOLINE PRICES

**Mr. Gerry Martiniuk (Cambridge):** A petition to the Parliament of Ontario:

"Whereas gasoline prices have increased at alarming rates during the past year; and

"Whereas the high and different gas prices in different areas of Ontario have caused confusion and unfair hardship on hard-working Cambridge families;

"We, the undersigned, hereby petition the Parliament of Ontario as follows:

"(1) That the Ontario McGuinty Liberal government immediately freeze gas prices for a temporary period until world oil prices moderate; and

"(2) That the Ontario McGuinty Liberal government and the federal government immediately lower their taxes on gas for a temporary period until world oil prices moderate; and

"(3) That the Ontario McGuinty Liberal government immediately initiate a royal commission to investigate the predatory gas prices charged by oil companies operating in Ontario."

As I agree with the petition, I affix my name thereto.

#### CAFETERIA FOOD GUIDELINES

**Mr. Kevin Daniel Flynn (Oakville):** "To the Legislative Assembly of Ontario:

"Whereas childhood obesity rates have tripled over the past two decades in Canada; and

"Whereas the annual amount of money the health care system uses to mend preventable obesity-related illnesses is \$1.6 billion; and

"Whereas the Ontario food premises regulation only provides safety policies that must be followed by the Ontario school boards' cafeterias, but no defined regulations regarding the nutrition standard of the food being served at the cafeterias; and

"Whereas there is a need to encourage nutritious standards in high school cafeterias that support Canada's Guidelines to Healthy Eating; and

"Whereas the private member's bill proposed by Nupur Dogra under Making the Grade and her fellow students at Iroquois Ridge High School will require all Ontario school board cafeterias to adopt and abide [by] healthier eating standards (similar to Canada's Guidelines for Healthy Eating) that will govern the food choices;

"We, the undersigned, petition the Legislative Assembly of Ontario to pass the private member's bill," number 93, "that will amend the Ontario school boards' cafeteria food guidelines" to educate students about nutritional standards in all Ontario high schools."

1540

#### FREDERICK BANTING HOMESTEAD

**Mr. Jim Wilson (Simcoe-Grey):** "To the Legislative Assembly of Ontario:

"Whereas Sir Frederick Banting was the man who discovered insulin and was Canada's first Nobel Prize recipient; and

"Whereas this great Canadian's original homestead, located in the town of New Tecumseth, is deteriorating and in danger of destruction because of the inaction of the Ontario Historical Society; and

"Whereas the town of New Tecumseth has been unsuccessful in reaching an agreement with the Ontario Historical Society to use part of the land to educate the public about the historical significance of the work of Sir Frederick Banting;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Minister of Culture endorse Simcoe-Grey MPP Jim Wilson's private member's bill entitled the Frederick Banting Homestead Preservation Act so that the homestead is kept in good repair and preserved for generations to come."

I obviously agree with that petition, and I've signed it.

#### LONG-TERM CARE

**Ms. Laurie Scott (Haliburton-Victoria-Brock):** "To the Legislative Assembly of Ontario:

"Whereas long-term-care funding levels are too low to enable homes to provide the care and services our aging seniors and parents who are residents of long-term-care homes need, with the respect and dignity that they deserve; and

"Whereas, even with recent funding increases and a dedicated staff who do more than their best, there is still not enough time available to provide the care residents need. For example, 10 minutes, and sometimes less, is simply not enough time to assist a resident to get up, dressed, to the bathroom and then to the dining room for breakfast; and

"Whereas those unacceptable care and service levels are now at risk of declining;

"We, the undersigned, who are members of family councils, residents' councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007)."

This is brought to me by many long-term-care centres in the riding of Haliburton-Victoria-Brock.



### ONTARIO DRUG BENEFIT PROGRAM

**Mr. Gerry Martiniuk (Cambridge):** I have a petition, signed by good citizens of Cambridge, directed to the Parliament of Ontario. It's headed:

"Preserve Our Seniors Drug Plan

"Whereas the McGuinty Liberal government is considering cutting and diminishing the present program of necessary prescription drugs for Ontario seniors; and

"Whereas Ontario's seniors are presently struggling to maintain their health and homes against cost-of-living increases, including Ontario's new health tax, Ontario's increased hydro rates, increased municipal taxes and gasoline prices;

"We, the undersigned, hereby petition the Parliament of Ontario as follows:

"That the McGuinty Liberal government of Ontario maintain the present program of providing prescription drugs for seniors."

As I agree with this petition, I affix my name thereto.

### SPEECH AND LANGUAGE SERVICES

**Mr. Ernie Hardeman (Oxford):** I have a petition sent to me by a constituent, Carol Harrison from RR4, Woodstock. It is a petition to the Legislative Assembly of Ontario.

"Whereas over one million Ontarians of all ages suffer from communication disorders relating to speech, language and/or hearing; and

"Whereas there is a growing need for awareness of the profound developmental, economic and social consequences that communication disorders have on people and their families; and

"Whereas persons with communication problems require access to the professional services of audiologists and speech language pathologists who provide treatments to improve and enhance quality of life; and

"Whereas effective treatment of communication disorders benefits all of society by allowing otherwise disadvantaged persons to achieve their academic and vocational potentials; and

"Whereas investments in treatments for communication disorders pay economic dividends in reduced reliance on other social services,

"We, the undersigned, in conjunction with the Ontario Association of Speech-Language Pathologists and Audiologists, call on the Legislative Assembly of Ontario to proclaim the month of May as Better Speech, Language and Hearing Month."

I affix my signature, as I agree with this petition.

### ABORTION

**Mr. Gerry Martiniuk (Cambridge):** I have a petition signed by good citizens of Cambridge directed to the Legislative Assembly of Ontario.

"Whereas 68% of Ontarians do not support the funding of abortion on demand in our province (Leger poll, November 2003); and

"Whereas over 30 million health dollars are spent annually on abortion on demand; and

"Whereas the Ontario health system is overburdened and unnecessary spending must be cut; and

"Whereas pregnancy is not a disease, injury or illness, and abortions are not therapeutic procedures; and

"Whereas the vast majority of abortions are done for reasons of convenience or finance; and

"Whereas the province has the exclusive authority to determine what services will be insured; and

"Whereas the Canada Health Act does not require funding for elective procedures; and

"Whereas there is mounting evidence that abortion is in fact hazardous to women's health; and

"Whereas Ontario taxpayers funded over 39,544 abortions in 2000;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario to stop provincial funding of abortion on demand in Ontario."

As required, I affix my name thereto.

### BORDER SECURITY

**Mr. Peter Fonseca (Mississauga East):** "To the Legislative Assembly of Ontario:

"Whereas the United States government, through the western hemisphere travel initiative, is proposing that American citizens require a passport or single-purpose travel card to travel back and forth across the Canadian border; and

"Whereas a passport or single-purpose travel card would be an added expense, and the inconvenience of having to apply for and carry a new document would be a barrier to many visitors; and

"Whereas this will mean the loss of up to 3.5 million US visitors in Ontario, losses of \$700 million, and the loss of 7,000 jobs in the Ontario tourism industry by the end of 2008; and

"Whereas many of the northern border states in the United States have expressed similar concerns regarding the substantial economic impact of the implementation of this plan; and

"Whereas the safe and efficient movement of people across the border is vital to the economies of both of our countries;

"Therefore be it resolved that we, the undersigned, respectfully petition the Legislative Assembly of Ontario to support the establishment of a bi-national group to consider alternatives to the proposed border requirements and inform Prime Minister Harper that his decision to not pursue this issue with the United States is ill-advised."

### HIGHWAY 35

**Ms. Laurie Scott (Haliburton-Victoria-Brock):** "Highway 35 Four-Laning

"To the Legislative Assembly of Ontario:



"Whereas modern highways are economic lifelines to communities across Ontario and crucial to the growth of Ontario's economy; and

"Whereas the Ministry of Transportation has been planning the expansion of Highway 35, and that expansion has been put on hold by the McGuinty government; and

"Whereas Highway 35 provides an important economic link in the overall transportation system—carrying commuter, commercial and high tourist volumes to and from the Kawartha Lakes area and Haliburton; and

"Whereas the final round of public consultation has just been rescheduled;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Liberal government move swiftly to complete the four-laning of Highway 35 after the completion of the final public consultations."

It's signed by many constituents in my riding, and I'm going to present it to my page, Kate from Lindsay.

## ORDERS OF THE DAY

### RESIDENTIAL TENANCIES ACT, 2006

#### LOI DE 2006 SUR LA LOCATION À USAGE D'HABITATION

Mr. Gerretsen moved second reading of the following bill:

Bill 109, An Act to revise the law governing residential tenancies / Projet de loi 109, Loi révisant le droit régissant la location à usage d'habitation.

**The Speaker (Hon. Michael A. Brown):** Minister?

**Hon. John Gerretsen (Minister of Municipal Affairs and Housing):** I'm happy to be here on the occasion of starting the second reading debate on the proposed Residential Tenancies Act, 2006. I will be sharing my time with my parliamentary assistant, the member from Scarborough Centre, Brad Duguid.

I should tell you that in order to come up with this piece of legislation, an extensive amount of consultation was done. My parliamentary assistant, Brad Duguid, visited 10 cities and met with numerous individuals who had some input into the legislation and certainly had their opinions about the rental market in Ontario in general.

1550

The reforms we are proposing would implement a fairer rent system. It will protect both tenants and landlords and promote a healthy, vital rental housing market. Judging by the reaction so far, particularly editorially, I am convinced that we have found the right balance.

I'll quote from an editorial in the Toronto Star just last week; I believe it was last Friday. It stated that our proposed new rental rules find the right balance. The direct quote is this: The "proposed Residential Tenancies Act is a reasonable compromise that rolls back some of the

excesses of the previous Conservative government, while protecting the health of the residential rental market."

We took the time to listen to landlords and tenants across the province, and we consulted experts. We wanted to determine what was best for good tenants and good landlords and what was also best for the economic health of our rental housing market.

We believe, first of all, that all Ontarians need a safe, secure and affordable place to live. As I said before, our government's aim is to create a rental system that benefits good landlords and good tenants while promoting investment in our rental housing market. Let me provide you with greater detail on how we propose to achieve this aim.

For tenants, the proposed legislation would result in a fairer, more transparent annual rent increase. It will also result in better maintained buildings and a fairer dispute resolution process with a greater emphasis on mediation.

As we know, the current eviction system has been called unfair and draconian. It basically allows a tenant to be automatically evicted if the tenant does not respond to the landlord's eviction application within five days. As the Ontario Ombudsman stated in his 2003-04 annual report, this process is having "disproportionate and oppressive consequences for vulnerable tenants: seniors, single parents ... individuals with disabilities and those for whom English is a second language."

We are addressing this concern. Under our proposed legislation, all eviction applications would automatically go to a hearing or to mediation. Our reforms would require an adjudicator to consider all the relevant landlord and tenant matters in deciding whether to grant an eviction for rent arrears. Adjudicators would consider the tenant's circumstances in all eviction applications. For example, if a tenant had been hospitalized for some time and was unable to send the landlord his or her rent cheque, the adjudicator would take this into account when determining whether or not to grant the eviction.

With regard to better-maintained buildings, our proposed legislation would give tenants the ability to make an application to stop all rent increases until serious outstanding work orders or serious maintenance problems were resolved. This provision would help put a stop to landlords who keep hiking rents without properly maintaining their buildings.

Our government has also created a more transparent annual rent increase guideline calculation that would result in more stable guidelines. The guidelines that we will use, if this legislation is passed, will be a real cost indicator: namely, the consumer price index.

When we started down the path of rebalancing the rental housing system, we first fixed the annual rent increase guideline by eliminating the automatic 2% bonus given to landlords, and that was a couple of years ago. As a matter of fact, over the last two years, we've had the lowest rent guideline increases in the history of rent control over the last 30 years. For the year 2005, it was 2% and for the current year, 1.5%.

The interim measure that we took some two years ago resulted, as I mentioned before, in two historically low



annual rent increase guidelines. But with this legislation, we now have the long-term solution to the current confusing and complex calculation that takes place annually. The proposed guideline calculation would result in an annual guideline that more closely reflects the real rate of inflation. The determination of the guideline would be clear and objective.

Another way we intend to ensure fairer rent increases is to create a new system for granting above-guideline increases, a system that will be based on real and necessary investments and that would reverse increases after costs fell or an improvement had been paid for. Sitting tenants would receive rent reductions when utility costs decline, if their landlord had received an above-guideline increase for higher utility costs and that increase had been given to those tenants. The same thing would apply to capital improvements like roof or masonry repairs. Sitting tenants whose rents had increased due to this work would receive rent reductions when the capital items were paid for. We would also redefine capital items so that they would not include maintenance and repair issues not regarded as capital improvements. These provisions are fair and make sense.

As well, landlords would face a stricter test for capital expenditures on which they could receive an above-guideline increase. That means that seniors and other vulnerable groups would not be slowly priced out of their homes for frivolous items such as lobby redecorations or simply routine annual repair, such as painting hallways and staircases.

We would also protect landlords and offer incentives to them to invest in and maintain their buildings. This again is to ensure that there's a balance in the system.

Under Bill 109, we would lower the interest rate on rent deposits by basing it on the consumer price index to reflect current market conditions. Currently, a landlord must pay 6% interest on rent deposits. We would also lower the fees associated with above-guideline applications for small landlords and for other landlord and tenant board services.

We've all heard stories about bad tenants as well as bad landlords. We know who these people are. They are the ones who disturb other tenants or vandalize property, and generally make living in an apartment building an unpleasant experience for one and all. Our proposed reforms would help landlords get these tenants out quickly to protect their investment and retain their good tenants. We would create a fast-track eviction process for tenants who cause wilful damage—I repeat: for tenants who cause wilful damage—or who are interfering with the reasonable enjoyment of a landlord's own home. The time required to evict these tenants would be cut in half of what it currently is. In the case of excessive wilful damage, eviction could happen immediately, but only in the case of excessive wilful damage as determined by the adjudicator.

The other goal of our proposed legislation is to promote investment in keeping our rental housing market strong. The McGuinty government wants to ensure that

the favourable conditions, such as the high vacancy rates and increased rental housing construction, that we are currently experiencing in the rental housing market continue.

Over the last few years, Ontario has been experiencing high vacancy rates. As a matter of fact this year, province-wide, it's 3.7%. The vacancy rate is forecast to remain high until 2009. These are according to CMHC statistics—not our statistics but statistics derived by CMHC in over 50 central market areas. To put this in real terms, average rents have gone up only a few dollars and sometimes they've even gone down. These favourable conditions have worked to the benefit of tenants. The market is acting to protect tenants and will continue to do so in the foreseeable future.

When our government developed the proposed legislation, we wanted to ensure that we did not compromise our investment climate. We wanted to ensure that we didn't harm the current and future supply of rental housing. We wanted to strike a fine balance between the needs of tenants and landlords. Our government achieved this by continuing to allow landlords and tenants to negotiate starting rents on vacant units. But as I mentioned before, over the last three years they have gone up marginally from what the previous tenant paid.

#### 1600

We will also continue to exempt rental units built after 1991 from rent controls, which have been in existence since 1991. To help landlords attract good tenants and to help tenants even further, we would give landlords the flexibility to offer rent discounts of up to three months' rent. These provisions are and continue to be significant contributors to investment in the renewal of Ontario's rental housing supply.

Of course, for some low-income tenants, paying the rent will always be an issue, particularly those individuals who pay more than 40% to 50% of their income towards rent. But this government has not forgotten this group of tenants. In fact, helping vulnerable Ontarians is a priority for the McGuinty government. The proposed legislation is but one part of our integrated housing strategy to improve the availability, affordability and quality of housing across this province, with the focus on helping vulnerable persons such as low-income tenants. Let's just see what we've done in that area.

Just over a year ago, an agreement was signed with the federal government that would allow for the investment of \$734 million for affordable housing under the Canada-Ontario affordable housing program. It will create more than 15,000 units of affordable housing—of which about 1,500 have already been delivered, another 1,600 to 1,700 are currently under construction and the rest are in the planning stage—and provide housing allowances for some 5,000 lower-income families in Ontario to take advantage of those vacant units that are currently in the housing market throughout Ontario.

This program provides units for vulnerable Ontarians such as victims of domestic violence, persons with mental illness, families on social assistance and the work-



ing poor. Our Ontario rent bank program, which contains some \$14 million, promotes housing stability by helping low-income tenants avoid eviction for non-payment of rent due to an unforeseen crisis. Up to the end of last year, 4,177 Ontario households have received assistance for short-term arrears and avoided eviction through our local housing service providers, to whom the \$14 million for the rent bank was provided for the province of Ontario in total.

The Ontario strong communities rent supplement program, which contains approximately \$50 million on an annual basis, assists low-income households in obtaining housing. To date, some 6,670 low-income households have received rent supplements. These are three other programs that have come into existence over the last two to three years that, quite frankly, weren't there before.

Another important part of Bill 109 I'd like to highlight is our provision to promote energy conservation by enabling smart meters in rental housing buildings. On November 3 of last year, my colleague the Minister of Energy, the Honourable Donna Cansfield, introduced the Energy Conservation Responsibility Act, and this act received royal assent on March 28 of this year. This act establishes a legislative framework for the installation of smart meters in Ontario homes and small businesses. Our government has committed to installing 800,000 smart meters by 2007 and to ensuring that smart meters are installed in all homes and small businesses by the year 2010.

Our proposed Residential Tenancies Act, 2006, contains provisions to enable installation of smart meters in rental housing while protecting tenants.

Currently, most tenants do not pay directly for their electricity. They pay it as part of their rental payment. Implementing a system for tenants to be billed directly for their own electrical consumption has the potential to significantly increase electricity conservation.

Our proposed legislation will enable this type of energy conservation in the following ways: It will allow landlords to install smart metering without the unanimous consent of tenants, and it will require landlords to give automatic rent reductions to remove the electricity cost from the rent. This means that tenants who receive smart meters would have more control over their energy costs and would save money.

As well, tenants who receive smart meters would pay electricity bills based on their own electricity use, but not until the smart meters have been in place for at least one year. Smart meters will be installed. Obviously the landlord will continue to pay for those individual meters for a year, so that at the end of the year we will be able to determine how much should be deducted from an individual's rent based on the smart meter that has been installed for that unit. In that way, comparisons can be made and the proper rent deduction can be applied to that particular tenancy agreement.

This way, the rent reductions to remove electricity costs from the rent would be based on the real cost for that unit. If the tenant, after that, utilizes the way the

electricity is used in that unit in a more cost-efficient and energy-efficient way, then of course the tenant will benefit from that.

There are no specific provisions in the Tenant Protection Act to ensure that tenants are adequately protected from landlords whose buildings and appliances are not energy efficient, and for tenants who worry about this issue, our proposed legislation includes protections. Tenants who receive smart meters would be able to make an application to the renamed Landlord and Tenant Board for remedies if their landlords fail to maintain the energy efficiency of their units or appliances.

Landlords would also be required to disclose a unit's usual electricity consumption to a prospective tenant, so when a tenant moves into a unit or makes the tenancy agreement, the obligation will be on the landlord to tell the tenant what the electricity consumption was for the prior year.

We, as a government, simply believe that we want all Ontarians to do their part to conserve energy. Installing smart meters in rental buildings represents a huge opportunity for the people of this province to really get a handle on our energy consumption and will assist us in creating a culture of conservation.

The last piece to building a more balanced rental housing system is addressing the concerns that both landlords and tenants have had with the Ontario Rental Housing Tribunal processes. During our conversations with tenants and landlords, we heard over and over again, particularly from tenants, that the tribunal processes need to be improved. They want a change that would make the tribunal more customer focused, more accessible and more transparent, and our bill speaks to that.

I will also be working with the chair of the Ontario Rental Housing Tribunal, or the renamed Landlord and Tenant Board, Dr. Lilian Ma, to make these requested changes happen.

To reflect the spirit of our new legislation and the tribunal's renewed mandate, we will be changing the name, as I mentioned before, of the tribunal to the Landlord and Tenant Board.

In conclusion, we are ushering in a new era of tenant-landlord relations with this proposed legislation, a new era that is characterized by fairness, compassion, economic common sense and balance between the rights of landlords and tenants. We want to bring balance back to the rental housing system and keep our rental housing market vital and robust. I believe our proposed Residential Tenancies Act achieves both goals. I urge members on both sides of the House, as I mentioned earlier during question period, to support this bill as it will bring about a rental system that will build stronger communities across this province.

With that, I will turn it over to my parliamentary assistant, Mr. Brad Duguid.

1610

**Mr. Brad Duguid (Scarborough Centre):** I'm delighted to follow the minister today in speaking to a piece of legislation that was a tough one for us to come



forward with. It was tough because it required a lot of effort to strike the right balance between tenant protection, which was an essential piece of this legislation, and the need to ensure a healthy rental market. I think, as the minister outlined in his speech, we've struck that right balance. We've swung the pendulum back so we've now got a piece of legislation that will be guiding landlord and tenant relations in this province, that ensures that tenants have the proper protections but also ensures that landlords are capable of delivering good quality housing and getting the return that they deserve as well. Frankly, this is the most substantial set of reforms to enhance tenant protection in well over a decade in this province. It's something I certainly am very, very proud to have been part of and something I certainly want to commend the minister for bringing forward.

It took some time and it took an engagement of unprecedented proportions with stakeholders. In fact, I don't think this province has ever gone through such a substantial consultation process. We've traveled the province. We've been in 10 different communities, 10 different cities, hearing from landlords and tenants in Toronto, Kitchener, London, Ottawa, Thunder Bay, Sudbury, Kingston and Hamilton.

We've had over 5,000 completed questionnaires sent in to us, over 1,200 telephone inquiries, 250 written submissions and 30 different meetings with various other regional stakeholder groups. Over 1,500 people participated in those meetings. That's an impressive amount of consultation. But it's an impressive amount of participation on behalf of stakeholders, those that represent the landlords and those that represent tenants, but real landlords and real tenants as well, which is very important. We've been able to hear from the representatives. We've also been able to hear from those who are going to have to live, day in and day out, with the legislation that we're bringing forward. We listened very, very carefully to what they had to say.

There was some common ground. Both landlords and tenants I think want to see a healthy rental market because it benefits both; a healthy rental market where good tenants are protected and where good landlords are able to provide housing and get some form of reasonable return for doing that.

But there are different perspectives as well. I'll quote from a couple of stakeholders that appeared before us. One tenant said the following: "We as tenants want fair rent and a clean place to call home, with nice people to share it with. People are tired of putting most of their money out in rent and getting diddly-squat for it in return."

Then you'd have landlords say something like this: "It's not the place of the landlord to provide cheap housing; it's the job of the landlord to provide a reasonable, clean, well-balanced apartment to the open market and let those people decide where and what they can afford to live in."

I could have brought different quotes that were probably even more confrontational, back and forth, than

that. But our key as legislators is to try to find the common ground between landlords and tenants and then decide overall what's in the public interest to ensure that those, in particular those that are most vulnerable, are protected. Finding fairness and finding balance is what we've been able to achieve in this legislation.

To sum up, the key things tenants asked for: They expressed concern about the current eviction process; they wanted a fair eviction process. They wanted to strengthen the tools at their disposal to ensure better maintenance of their units. They wanted us to tighten up the rules, when it came to rent increases, through above-guideline increases. Those were really the three key things that tenants, time and time again, talked about. Frankly, I'm proud to say that they've been addressed very successfully in this legislation.

Landlords asked for a number of things as well. A number of landlords complained about the amount of interest that they had to pay on their rent deposits. It wasn't fair. They had to pay 6% interest. They wanted that reduced to a more reasonable level in keeping with the interest rate. They were concerned about the speed of the eviction process, when they had really bad tenants who were interfering with their joyful use of their property, their reasonable enjoyment of their properties, or tenants who were committing wilful damage. They also wanted protection and promotion of a healthy rental market. I'm pleased to say we've been able to achieve that as well.

The other area—and the minister touched on this—of great concern to both landlords and tenants, in particular tenants, was the Ontario Rental Housing Tribunal and the way the tribunal worked, the way it managed itself. What we've done, through this legislation and through the minister's other actions, is we've begun the process to change the culture of that board. We're calling it a different name, the Landlord and Tenant Board, but it's not the name change that's important. It's the change in culture, the approach, that's important: lower fees, more-qualified adjudicators, a more client-based approach to the way they do their business.

I said earlier that this was the most significant tenant protection reform in over a decade. Let me just outline some of the changes that are taking place that really outline why this is.

**Mr. Norm Miller (Parry Sound–Muskoka):** You've got to be kidding.

**Mr. Duguid:** A member is questioning that. Take a look at the bill. There's no question this is the most significant tenant protection reform that we've had in this province in well over a decade. For those who are living on the edge, maybe English is their second language, many of those individuals, many of those tenants were living in fear of eviction. Now, we've totally eliminated the current unfair default process where they had to respond within five days to a notice that they probably weren't even sure what the heck it was, just to be able to ensure that they'd have the right to dispute the original eviction notice. We didn't commit to doing that. What we



committed to doing was amending it—making it fair and amending it. But we've totally taken out the default process altogether because, through the consultation with tenants, we realized it was simply not a fair process. So every tenant in this province who's facing eviction now will have the opportunity, if they choose to, to go forward and have a hearing, which some tenants were missing out on before just because the system was complex and confusing and difficult for them to understand.

We're going to have better notice now. The tribunal now has to send a notice to all tenants who are facing an eviction so they'll understand where they're going. That's in addition to the notice of eviction the landlord will have to send out. It won't be duplication. It will be an opportunity for tenants to have knowledge and be educated in terms of what their rights are when they're facing an eviction. The forms that are being used by both landlords and tenants are going to be a lot more user friendly.

Those tenants who are struggling and trying to make ends meet were concerned about the above-guideline rent increases and how those impacted their daily lives and their ability to stay in their units and pay for their units. We've changed those above-guideline increases so that now, when a capital investment is applied for by a landlord and eventually paid for, tenants will no longer have to go on paying for that asset. They will get a rent reduction at the end of the payment of those assets.

As well, the same goes for utility increases and costs. When a utility increases and costs go forward and a landlord applies for an above-guideline increase, when those utility costs go down, a tenant will be able to apply and have those—in fact, a tenant will have to be rewarded with a decreased rent when those costs go down.

We've done more than that. We've also tightened up what can apply in terms of above-guideline increases. Painting is a day-to-day—that's a cost that should be included in the guideline. No longer will a landlord be able to use things like painting or frivolous lobby repairs as something that they can apply for above-guideline rent increases on.

1620

We've also limited those rent increases, and that's where the real rent control comes in. The concern most tenants expressed to us time and time again was when landlords could apply for above-guideline rent increases and there was no cap on how long they would have to pay. They could get a maximum of 4% per year, but that would go on for the whole life of the payment of that asset. We've changed that. They can only get 3% a year maximum now on an above-guideline increase, but it's limited to three years. So there's now a cap on how long that can go in—a real rent control.

Something else tenants were concerned about was the guideline increases. It was arbitrary. It was based on a formula that would go up and down, frankly, I think sometimes depending on whether it was an election year or a non-election year. We've gone to a transparent guideline that's now based on the cost of living, which

will be a much better guideline for both landlords and tenants, because they'll both see it coming; they'll both understand where it's coming from. It's transparent, and no longer can it be subject to any form of manipulation at the political level.

This is balanced legislation. We've done some things in this legislation that landlords were asking for as well: a fast-track process for eviction of tenants who are engaging in wilful damage, something that landlords across this province were looking forward to. We want to help small landlords who may be renting out a unit in their home and have a tenant who is impacting on their reasonable enjoyment of their premises. They will now have access to a fast-track eviction process when those things are occurring. Plain and simple, that's just being fair to the landlord. Frankly, a bad tenant deserves to be evicted at a faster pace, just as a bad landlord deserves to have additional protections for tenants being placed upon them. We're talking about fair and balanced.

I think more important than anything is the fact that we're contributing to the health of a rental housing climate out there that's working reasonably well right now. The vacancy rate is up, at a pretty high level, due in part to investments that are being made by landlords in helping to improve the quality of units across this province—there's certainly been a great investment in institutional landlords, pension plans and rates—and due, probably more than anything else, as any economist will tell you, to the long time period of low interest rates we've had and the fact that a lot of tenants have been able to move out of the rental housing market and purchase homes. That's really been the major contributor to the fact that we have a higher vacancy rate right now, something that I think we all welcome in this House.

As a government, we felt it was important to ensure that through this legislation we send out signals that we agree with the need to maintain a healthy rental market. We're absolutely confident that with the measures we've taken here today—the fact that all units built after 1991 will continue to be exempt from rent control; the fact that when units vacate we've allowed tenants to negotiate their rents with landlords in the future; the transparency of the guidelines and the flexibility we're allowing with rent discounts—we are going to have fair and balanced legislation that will be before this House and, if passed, will ensure the rental housing market in this province remains healthy and there's greater protection for tenants. In fact, as I said, it's the greatest level of enhancement of protections in over a decade for tenants and a fair system for landlords to work within as well.

I look forward to hearing comments from others.

**The Acting Speaker (Mr. Richard Patten):** Questions and comments?

**Mr. Miller:** It's my pleasure to add some comments to the speeches from the Minister of Municipal Affairs and Housing and the member from Scarborough Centre. The minister talked about the excellent conditions out there right now, and the member from Scarborough Centre I think also said things are working reasonably



well out there right now. I would agree with that. In fact, in Toronto the vacancy rate is currently about 3.7%. Importantly for those in the most reasonable rent class, the vacancy rate is 5.5%. That is a very healthy situation. The only danger is that this government will mess up the healthiest situation we've had since rent control was brought in in the 1970s by the Davis government. Rent control was brought in by the Bill Davis Conservative government in 1975; it was a minority government. I would say that it was a big mistake, because all it did was create a shortage of rental units. When you have a short supply of rental units, it's a bad situation for those who are trying to rent apartments. In fact, in 1978 the green paper concluded that eliminating rent controls would be the best option. The 1988 royal commission recommended scrapping residential rent controls.

Of course, the past PC government brought in the Tenant Protection Act, and the proof is in the pudding: Things are working reasonably well at this time; we've got a good situation. It is my hope that this government doesn't mess things up and create more shortages and a bad situation again for tenants, which we've had in the past. We do have a very healthy situation now with the vacancy rates and really a buyer's market in terms of those people who are going to rent units.

**Mr. Peter Tabuns (Toronto-Danforth):** It's quite an interesting bill that has been put before us today by the minister. In the last election, the McGuinty Liberal Party promised to bring in real rent control when they were elected to make sure that tenants knew that they had security, that they had control of their housing costs, that they indeed would have a program that would reflect, in a profound way, their interests. I don't see that in the bill that has come before us today.

There is a balance in the rental market, and that is that tenants pay rent, landlords collect that rent and pay the costs of their operations. Frankly, those landlords are sitting on a very crucial service: They provide shelter in a climate where shelter is absolutely necessary to keep oneself whole, to keep oneself healthy.

On that basis, in any legislation that protects tenants, we need to have real control on rents and on rent increases. The fact that this bill provides for a continuation of vacancy decontrol means that, for a very significant part of our society, something that's crucial to humans is going to be unaffordable for them.

Right now, this government is being protected by low interest rates and a boom in building condominiums. When that boom is over, when those interest rates rise, then the legislation that should be there to protect tenants won't be there. Tenants will face the storms in the market unaided and unprotected by this government. This government has a responsibility not to abandon tenants the way they have with this bill.

**Mr. Lorenzo Berardinetti (Scarborough Southwest):** I wanted to commend the minister and the parliamentary assistant for bringing forward this very important bill, Bill 109, An Act to revise the law governing residential tenancies.

In my riding and in Scarborough in general, there is a large number of tenants; I was one of them myself. Growing up in the early 1990s, I lived in an apartment in the Lawrence and Kennedy Road area in Scarborough. I can say that, as a tenant, you're very much subject to the whims of the landlord and the superintendent, what they want to do and what they don't want to do. I remember that in my years living as a tenant in an apartment, they would be able to make rental increases without letting you know much about why they were making the increase and how much that increase would be.

One of the things this act does, which I'm glad the minister and the parliamentary assistant have brought forward, is that now the annual rent increase guidelines are going to be based on a real cost indicator, the Ontario consumer price index. Instead of the landlord simply saying, "We're going to increase your rent by 3.5% or 4% this year because we've had to do some repairs or something to the building," we've got some real indicators here—the consumer price index—which will indicate how much that will be increased by.

This bill is really important to tenants, to a lot of my constituents in Scarborough Southwest and to tenants throughout Ontario. Brad Duguid, the parliamentary assistant, has done a lot of consultation, together with the minister. We've got 250 written submissions, 1,200 telephone inquiries, more than 5,000 completed questionnaires and participation from more than 1,500 people at 10 town hall meetings held in communities across the province: in Toronto, Kitchener, London, Ottawa, Thunder Bay, Sudbury, Kingston and Hamilton. As well, 30 additional meetings were held with regional stakeholder groups.

A lot of work has gone into this bill. It's great to be part of this new legislation. I look forward to hearing from everyone else and to seeing this eventually become law in Ontario.

1630

**Mr. Garfield Dunlop (Simcoe North):** I'm pleased to make a few comments on the minister's lead speech, as well as the parliamentary assistant's comments, on Bill 109.

One of the areas that I'm very concerned about with this legislation—and I've been concerned for some time with all of the landlord-tenant acts that we've seen in the past—involves young entrepreneurs, in a lot of cases a husband and wife, who take out a mortgage on a second home and convert it into a couple of apartments. Sometimes they may or may not do all the proper paperwork before they let a tenant into their homes. The vast majority of tenants are fine, and the vast majority of landlords do a great job. That's why we have to have some legislation for the ones who don't do it. But I've seen a problem on numerous occasions where people come into my constituency office, normally landlords, and they are desperate because they can't get people evicted who are destroying apartments. They won't pay some of their utility bills. In fact, when they can't get that income, it's often putting the mortgage at risk with the people who hold the mortgage.



I can tell you that's not uncommon. There are a lot of those types of people who try to rent out their small apartments, a small duplex or a triplex in small, rural communities. They serve a purpose, but in a lot of cases they do not get paid fairly, and they end up, after many months, finally evicting somebody at huge expense.

Maybe the parliamentary assistant can tell me what magic is in this bill that will prevent that from happening, but of course we'll be asking that numerous times at committee hearings as well, because I think that the landlord-tenant act should cover everyone, make it fair for everyone, and particularly for small entrepreneurs who want to provide a service, where the tenants are not fulfilling their end of the bargain.

**The Acting Speaker:** The member for Scarborough Centre has two minutes to wrap up.

**Mr. Duguid:** I'd like to thank the member for Parry Sound-Muskoka, the member for Toronto-Danforth, the member for Scarborough Southwest and the member for Simcoe North for their comments.

I think the member for Toronto-Danforth said something about there not being any real rent control in here, and we talked about real rent control. Nothing could be further from the truth. Real rent control is very much part of this bill. The above-guideline increases are probably the number one area where tenants express concern. If you look at rent increases over the last number of years, really, the bulk of the rent increases were coming from above-guideline rent increases. That's really what they wanted us to try to get into and reform, and that's what we've done.

We've put limits on what can be applied for, what can be achieved, so that the frivolous stuff like lobby repairs or things that really should be part of daily maintenance, painting and things like that, will no longer apply. We've put a cap on the number of years in which those increases can apply. That's probably about as good a protection, frankly, as tenants have had when it comes to the rising rents.

The changes to the rent guideline are important as well. When you look from 1997 to 2002, had the guideline been the way we're planning on making it, based on the cost of living, rent increases would have been at 14% over that period of time rather than 21% under the current guidelines. So this will be a substantial benefit for protection of tenants and rents.

The third thing—and I wasn't able to touch on it in my speech originally—is that we will allow tenants to have their rents frozen if there are serious maintenance issues or if there is a property standards order that's outstanding. These are very important protections for tenants, and we're very proud of this bill.

**The Acting Speaker:** Further debate?

**Mr. Ernie Hardeman (Oxford):** It's with pleasure that I rise to speak to Bill 109, An Act to revise the law governing residential tenancies, which was introduced by Minister Gerretsen. Going through all the documentation provided, it will be the replacement of the Tenant Protection Act that was put in place in 1998.

As I was sitting here listening to the parliamentary assistant, I was somewhat taken aback when he said that this was the first significant piece of legislation dealing with tenant protection in over a decade. Of course, the Tenant Protection Act was not over a decade ago. I would say that 75% to 80% of what is in this bill is in fact the Tenant Protection Act. The problem I have with this bill is those areas that are not in the Tenant Protection Act, in fact where things are changing. But I find it kind of ironic that we can't put any faith in the comments of the government side on this bill, to say that that bill never happened, that the Tenant Protection Act was never there. With all the other things that have been said about it so far, I'm having real concerns with this altogether.

I will be quoting from other people. Obviously, there are a lot of things in this bill, and I think it's so important to hear from the public and what the public perception of the bill is. A lot of this has happened because in the past number of years—as you will recall, the government promised to introduce this bill within the first 365 days of their tenure as government if they were elected. I haven't got the exact number—I'm sure someone in the New Democratic Party would have it—but we're between two and a half and three years since that election, and finally here is the act.

There was an article in the Toronto Star on December 5, 2002. That's some time back: "For months, landlords have been offering tempting incentives to lure potential tenants into empty apartments. But following a report released last week showing the vacancy rate in the city has nearly tripled since last year, more landlords are likely to jump on the bandwagon and into a fiercely competitive market, officials in the rental industry say." This was 2002, and this is really setting the stage for the rental market conditions in the province. One wonders why we are here talking about changing the system that created that.

"There are tons of incentives out there," said Brad Butt, executive director of the Greater Toronto Apartment Association, which represents property owners, managers and related firms at the municipal level. Landlords"—

**Mr. Gilles Bisson (Timmins-James Bay):** On a point of order, Mr. Speaker: Could you count for a quorum, please?

**The Acting Speaker:** Is there a quorum present?

**The Deputy Clerk (Ms. Deborah Deller):** A quorum is present, Speaker.

**Mr. Hardeman:** I thank you very much for that gesture. I wouldn't want to feel that nobody had any interest in what I had to say. I thank the member for bringing to everyone's attention that this is an important piece of legislation which does require debate.

Going on with the article in the paper, it says, "Landlords are increasingly offering perks such as free Internet access, Metropasses, fitness club memberships and DVD players, he says. 'I always kid with some of my members, saying, 'You guys wanted this, you wanted a de-



regulated, truly competitive marketplace and now you have to work at it.”” Again, this was pointing out that the regime in place at that time in 2002 was working. In fact, we were getting an ever-increasing number of vacancies in the market.

It goes on to say, “‘You do whatever it takes to try and get these apartments rented,’ says Robert Herman of Pace Properties, who owns and manages about 1,000 units in the greater Toronto area.

“Besides lowering rents by up to \$100, there’s been an emphasis on things such as changing kitchen cupboards, providing microwaves and installing ceiling fans at its properties, which run the gamut from low- to high-end rentals.

“The biggest incentive is lowering the rent and then the next step is doing whatever you can to entice people.”

I remind everyone that this article was written in December 2002, so I question why the McGuinty Liberals decided to make rent control an election promise. In my opinion, the system was working, so one would wonder why you promised that. I presume that their principles said, “We need to put in rent controls, so we are going to promise to do that,” and here we are, and obviously the bill doesn’t do that. So one has to say again that maybe they promised it to get elected but not with a great intention of doing it.

1640

As I said earlier, this was supposed to be announced in the first year of the government, but instead it’s being announced three years later. And what a surprise: This bill does not do what it promised to do in the election.

Let me continue with a few lines from that article. “Thanks to a remarkable building blitz in the city, coupled with low interest rates, many tenants are moving out of rentals and into home ownership. According to a Canada Mortgage and Housing Corp. study released last week, the vacancy rate for rentals in Toronto’s census metropolitan area loosened to 2.5%, compared to a very tight 0.9% only one year earlier. However, there is still a lack of affordable rental units.

“Vacancy rates for apartments over \$1,200 are at 3.2%, compared to 1.6% for apartments under \$800. And for apartments over \$1,700, the vacancy rate was 3.5%.”

This points out that there was a vacancy rate, and it was there because there was, I think the parliamentary assistant called it, “a healthy rental market.” In fact there were rental units available. Any time you have a commodity, whether it’s housing or whether it’s a consumer good, if you have a buyers’ market, as opposed to a sellers’ market, which we had prior to the Tenant Protection Act, that is the best system you can have in the country.

Here we are with Bill 109, promised during the 2003 election and delivered three years late, in May 2006. This is yet another broken promise of the McGuinty government. It is a weak attempt to fulfill an election promise and water down commitments. Again, I think it was promised with very little intention of keeping it, and without looking at what the impact would be of intro-

ducing this; and secondly, not looking at whether there really was a need for it.

Before we go on, I just want to go through the issue of the history of the rental market in the province. Not everyone would suggest that the Conservative philosophy would be supportive of controlling an open market in housing, putting government in between a free and open marketplace and the consumer. But in 1975 it was the Conservative government of Bill Davis that introduced rent controls. Those were the first rent controls we had in the province. Rent hikes were initially limited—I think this was interesting as I was doing the research—to 8% a year. I think this last year it was at 2%, and in fact this bill changes it from 2% to whatever the consumer price index is each year. In this bill we will notice that the minister will no longer set the annual rent increase; it will be set by the consumer price index. But at that time they were put in at 8%. In fact, that bill said it was scheduled to end on July 31, 1977. But as time went on, the marketplace didn’t change sufficiently in order to remove it, so it was extended.

“1978: Green paper concludes eliminating rent control may be the best option, and suggests a tribunal be set up to mediate some landlord-tenant disputes.” Again, they then looked at it and said that the solid rent control was decreasing the production of rental housing, so we should set up a tribunal that would look at the landlord-tenant issues and not have a solid, across-the-board rent control.

“1979: Under new landlord-tenant legislation, rent control stays indefinitely. Increases are limited at the time to 6% unless landlords can prove to new Residential Tenancy Commission they need more to recover costs.” I guess the principle of that is the same as it is today, it’s a set rate, and at that time of course it was much higher; it was at 6%. But the landlords could apply for further compensation or further increases if they had to spend more to keep their buildings up.

“1986: Residential Rent Regulation Act establishes new formula for rent increases, based on inflation and landlords’ operating costs. Rent control is extended to all rental units in the province.” Again, the same thing. That’s the basis that we presently have, where the minister decides, based on the consumer price index and other factors included in the cost of housing, as to what rent increases should be allowed each year.

“1988: Royal commission recommends scrapping residential rent controls” altogether. Each time these organizations or government looked at the issue, the problem always came out that if you control the amount of revenue coming out of the process, you will definitely stifle the amount of investment going into that industry, and in fact that’s what was happening. The rent controls were causing a decrease in the amount of available stock, and the quality. I think that’s so important: the quality of the available stock in the rental markets. Obviously, once the landlord is obligated to deliver the service for the price set, unless there is a need or an ability for them to reinvest more money and to upgrade their buildings and their stock, it’s not going to happen and you’ll see a



deterioration of the industry and of the stock. In fact, fewer and fewer people are able to live in those accommodations, we have fewer and fewer available, and eventually something has to be done. In each case, they recommended decontrolling rent to some extent.

"1992: Under new NDP rent control legislation, guidelines are based on inflation plus a 2% allowance for repairs, with any increases above that limited to 3%. New buildings are exempt for [the first] five years." It's the same formula. They used a formula based on a percentage increase per year, and the minister would be allowed to increase that percentage based on the needs of the individual buildings. They came up with a bit of an incentive to try and encourage the building of more stock, which of course would be to say that there would be no rent control on buildings for the first five years. That, I find, is a very interesting approach because it seems, with that approach, government realized that rent control was stifling the industry as it related to building new buildings. At that time no one was investing in new buildings for rental purposes because the rent was controlled. The government thought that by eliminating it for the first five years, that would encourage building. I think at the time, if you look at the numbers, you'll see that it did increase it somewhat. But the payback period and the guarantee that the price was going to lock in five years, with a 25-year mortgage on that same building—before that building had repaid the investment, they would not be getting enough to cover their costs. Again, they found that it was more profitable to invest in buildings other than rental units or in other investments altogether.

"1998: Conservative government removes rent control on newly vacated units. For existing tenants, landlords are allowed to raise rent based on a government-set guideline, plus amounts required to pay for repairs, cost increases, capital expenditures, etc. The law makes it easier to evict tenants and rent controls are not applicable to buildings built after 1991." I think that is the issue that had the greatest impact on seeing more investment in our rental market and in the total housing market for our people, because in fact now they could invest in the building of rental units and they would know that they would not be capped at the rent increases. Rent control would look after the present stock and the people living in it. People who moved into new accommodations, if they could afford the rent going into that new building now, they would be in a completely open market when it came to rental units.

1650

That part in that act is also where the premise was introduced that they would decontrol or deregulate rent upon vacancy of any apartment. When apartments become vacant, they would then, for that period of time, be in the free and open marketplace, so the landlords could decide what the rent should be for their fair return and they could apply that prior to renting it to someone new. As soon as they moved into that building, of course, the new tenant would then get the protection of the rent increases at the minister's prerogative, but when they moved in, it was open.

It's that part that the tenant organizations in the province, when they heard the McGuinty Liberal government speaking about how they were going to have meaningful rent control if they were elected and they would have that within the first 365 days of taking office—it was that part that the average tenant in Ontario thought would be of great benefit to them. If they moved from one apartment to another, they would no longer be forced to go into an open market in cases where they were just moving because they got a job in a different location, or, in a lot of cases, they were moving into a larger, higher-priced apartment, but it would become immediately even that much higher priced because it now went into the open market. Up until that point, the tenant in that was also benefiting from rent control, and now they would no longer be doing that.

So the tenant organizations in particular were adamant that that was the number one issue they needed: If the government was going to provide tenant protection, they had to provide it not only for the existing tenant in the existing apartment, but if they were moving, the tenant protection should apply to the apartment, not necessarily to the individual moving in. Some would say it's unfair to have one person paying \$800 a month for that apartment, and they move out and all of a sudden that apartment is worth \$1,000 a month. That's what the deregulation of that part of it actually does, and that's why it's so difficult for them to understand.

I have to believe that when the McGuinty government told tenants they were going to have meaningful rent control, they included the fact that they would take away or remove that part of the act. I'm not suggesting that I agree with removing that; I'm just saying I think that in making a promise, that was the intent of the promise, and I think that's the way it was accepted by the people. I just want to say that I don't believe this bill delivers on that promise at all, and yet this is why this bill is being introduced today.

In the promises that were made in the election, it says, "We will provide real protection for tenants and invest in affordable housing." Well, saying you are providing real rent protection for tenants and then doing nothing in the bill that changes the rent system other than changing the fact that the minister no longer sets the increases—it automatically gets set based on the consumer price index—I don't see how anyone could suggest that what they're doing in this bill will provide real protection for tenants and invest in affordable housing.

"We will introduce real protection for tenants from excessive rent increases." Obviously, this bill does nothing of the sort.

"In our first year of government, we will repeal the misnamed Tenant Protection Act and replace it with an effective tenant protection law. Our law will protect tenants by making unfair rent increases illegal. We will encourage the construction of more rental units to reduce upward pressures on rents." I think we've heard from everyone, including the parliamentary assistant and the minister, that the problem right now is not producing



more apartments, because we have a record vacancy rate in the rental market. So obviously this bill is not doing what they suggested. Maybe what they were suggesting wasn't needed, but they thought it sounded good as an election promise. But definitely there is nothing in this bill that will encourage more building of apartments.

Because they've left the decontrol upon vacancy of apartments, in my opinion it's not going to significantly decrease the amount of rental stock, but it surely—I shouldn't use the word "surely"—will not increase the willingness or the need for people to invest in the rental market, because that part of it has not changed at all.

It goes on, and these are promises directly from—I'm not sure it was called the red book, but it was from the election promises: "We will ensure that municipalities with low vacancy rates have the right to protect existing rental housing from unreasonable demolition or conversion to condominiums." If that's what this act is supposed to do, maybe someone from the government side could point out to me where in the act I would find that.

I want to go back to the issue of what the act really does do, some of the changes that it does make. It speaks to the tribunal. We have changed the name, and I haven't got it here. The Rental Housing Tribunal: The name has been changed, but the focus is the same, save and except that they've changed how we deal with complaints to the tribunal about non-payment of rent. Presently, if a landlord goes to the tribunal and asks for rectification because their tenant is not paying the rent, the tenant is given the opportunity to make a presentation. If they don't show for the meeting, if they don't hear from the tenant at all, by default the tribunal can rule that they could be evicted without having been heard. This act changes that to say that if they don't show up for the first hearing, they will be notified again to see if they would come in to a hearing to talk about that, because we don't want to just take the landlord's word for it.

In doing that, what we have also done—I think we always should have a system in place that gives everyone the opportunity to be heard. I would think that in most cases the landlord is trying to get the eviction because of lack of payment. I would be surprised if the tenant didn't already know that they hadn't paid the rent. When they get a notice that they are going to have an opportunity to come for the second meeting, I would think they would likely already know that it was their second opportunity. It lengthens the time for people to be heard, but it also lengthens the time people can live in their accommodation at the expense of the landlord, because they haven't paid the rent.

I have a feeling, I expect that this—it's addressed to an MPP—was likely sent to every member of the Legislature. For the record, I would like to read it in because it deals with that part of the bill. It says:

"Default eviction orders will be eliminated. A hearing will be scheduled for every application." This is, again, about this act.

"Tenants on Ontario Works or Ontario disability support program are free to keep any accumulated rent

arrears after being evicted. That money cannot be garnished. This built-in reward for falling into arrears encourages tenants to (1) stop paying rent until the eviction process runs its course and (2) move on to the next landlord. Under the present Landlord and Tenant Act the tenant has ample opportunity to challenge the eviction process but has no intention of doing so, let alone attend any hearing. Now John Gerretsen wants to hold the hearing anyway. The result will be that the mom-and-pop landlord, typically school teachers, doctors, civil servants, MPP families, shopkeepers, tradesmen etc., must take a day off their normal employment to fight an absent tenant. They will lose a day's pay on top of the lost rent, the tribunal fees and subsequent rental losses while the unit gets rented. This is a very serious problem for landlords with low-income tenants and thus many landlords avoid renting to that sector of the market. It is a major deterrent to the supply of affordable housing. Thus the very tenants that John Gerretsen is claiming to protect by this new legislation are the very tenants that are hurt the most. And this applies equally to the other new controls John Gerretsen is proposing. You don't need to take my word for it. There are nine Nobel laureate economists who, in numerous studies on rent controls, have essentially stated the same thing. Just what is it John Gerretsen knows about rent controls that nine Nobel laureate economists don't know? Another fact about low-income tenants: Some landlords in Kingston avoid this difficult, and soon to be more difficult, market entirely by renting only to Queen's University students. Do you know any MPP families that rent to students only?"

1700

It's signed, and I won't read the name into the record, but that is a letter that was sent to the minister and to every member of the Legislature. I don't necessarily agree with the total tenet of his letter, but it points out the problem when we talk about just increasing the opportunities to be heard.

When the bill was introduced, the minister made the comment that this was going to be good for good landlords and good tenants. I said then and will say it again: This isn't about good landlords and good tenants. They work together for the benefit of both. A landlord never has a positive side in having to go through more and more tenants. The tenants, of course, have no positive in having to move from one accommodation to another. So good tenants and good landlords generally work together in order to accommodate the needs of both. That's not to say that there wouldn't be disagreements with good landlords and good tenants. But what legislation, controls and all other elements of this bill are needed for are the problem areas, when we have a problem with a tenancy and the two parties can't agree and the law or the government must come in.

I have another one here, and I just want to go through it. This is one that actually came to my office. In my statement to the minister on the presentation of this bill, I pointed out that in my community—and I'm not suggesting that this is the issue across the province—I get more calls in my office from landlords who are having



problems with tenants than I get from tenants who are having problems with landlords. I think that has a lot to do with the vacancy rate. We get quite a number of calls, and it isn't just that they are asking where they need to go in order to have their cases heard; in a lot of cases, it is the process that isn't working. The reason I bring this up is because the process that's being put in the bill is in fact a broader look at the situation than what is presently in the bill. The problems I get calls on in my office are saying that the system is already skewed the wrong way, that they can't get results.

I have here, with your permission, Mr. Speaker—since they did give me a considerable amount of time to speak to the bill, I'll take just a few minutes. This is actually a case that went to the Ontario Rental Housing Tribunal. It explains what happened.

It says, "... (the 'landlord') applied for an order to terminate the tenancy and evict ... (the 'tenants') because the tenants did not pay the rent that the tenants owe.

"This application"—and this is actually written by the tribunal—"was heard in Woodstock....

"The landlord and the tenant ... attended the hearing. All were unrepresented." The tenant "indicated that he was speaking for his wife, who could not attend due to health commitments involving the family's teenaged daughter.

"The landlord relied on the information in the application, and requested termination of the tenancy as well as an order for the rent arrears."

The tenant "indicated that he could not disagree with the information in the application. He indicated, however, that he wished his family to remain in the rental unit during a period in their lives which has been traumatic and promises to remain so for some time.

"He indicated that his wife's mother had died ... creating a period of stress for his wife, who consequently lost employment time.

"Additionally, his wife has been consumed with the need to care for their teenaged daughter, who has recently been hospitalized to diagnose a mass found in her ... lung. His wife attends with their daughter at the London Cancer Clinic.

"In addition to this child, there are two additional (younger) children in the family."

The tenant "indicated that there is a lease involved which ends on March 31, 2006. The landlord indicated to" the tenant "that he does not wish to renew the lease.

"As noted in the application, there was a last month's rent deposit ... when the lease commenced."

The tenant "is gainfully employed, and has a registered retirement plan at his work. He noted that he could try to have some of the funds in this plan released to him.

"Additionally, he is hoping that his income tax return will create a 'return' on income tax payments already made.

"Further, he indicated that he would get in touch with his brother in Toronto, who has helped" him "in the past" and hopefully will again.

"The family's finances have been strained by the mother's inability to work as many hours as she was previously working. She is paid an hourly rate at her place of employment."

The tenant, "however, has steady employment and what he described as 'job security.'

"Section 84 of the Tenant Protection Act, 1997, directs the tribunal to take into consideration evidence which points to the reasonableness of a delay in a termination of tenancy. Section 77 of the Tenant Protection Act, 1997, addresses the prejudice to a party which such a delay may occasion.

"These sections of the act, when taken together, balance the prejudice to the parties concerning the most difficult issues of the tenant's loss of residence and the landlord's loss of financial viability.

"Given the evidence before it in this instance, the tribunal's discretion to address the application, using the aforementioned sections of the act, should be exercised.

"Therefore, it is ordered"—and I think this is what's important; I should have mentioned that there is a second hearing—"that:

"If all conditions of this order are followed by the tenants, the termination date is June 30, 2006, which represents the final school day of the school year 2005-06.

"If all conditions set forth in this order are not met by the tenants, the landlord may, pursuant to section 77 of the act, apply within 30 days of the condition not being met, without notice to the tenants, for an order evicting the tenants immediately, together with any arrears not already hereunder.

"Condition 1: The rent arrears shall not increase from the amount of \$3,500 from the date of the hearing until the date of termination. For clarity, the tenants shall pay the rent owing for each month commencing March 1 ... to and including June 1, 2006."

It goes on and says that they also have to pay \$150 for the application cost to the tribunal. The second condition is how they will pay, which is each month's rent. On June 30, they will pay the \$150.

There are three more conditions:

"If the unit is not vacated on or before June 30, 2006, then starting July 1 ... the landlord may file this order with the court enforcement office ... so that the eviction may be enforced." So we can get the sheriff on July 1 to deal with that.

"Upon receipt of this order, the court enforcement office ... is directed to give vacant possession of the unit to the landlord on or after July 1....

"If, on June 30, 2006, the tenant has complied with all the conditions in this order, this order for eviction will be void. This means that the tenancy would not be terminated and the tenants could remain in the unit."

That was the order that they received in February. In March, one month later, the landlord "applied for an order to terminate the tenancy"—this is for the same people, the same landlord—"... and for an order to have the tenants pay the rent and compensation they owe



because they failed to meet the condition(s) specified in the tribunal order ... issued on February 20, 2006.”

Again, there are a number of conditions. It turns out that the reason this was in March was because, as I said earlier, the condition was that they had to pay every month's rent to the termination of the contract. But as we go through this, we find that they missed the first one.

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So on this one, the tribunal orders that “The tenancy between the landlord and the tenants is terminated. The tenants must move out of the rental unit on or before March 19, 2006.” Although the previous order had said they could go until June, they've now said that because they didn't meet the conditions, it only goes to March 19.

There are a number of conditions:

“The landlord or the tenants shall pay any amounts that become owing as a result of this order.

“If the unit is not vacated on or before March 19 ... then starting March 20 ... the landlord may file this order with the court enforcement officer ... so that the eviction may be enforced.

“Upon receipt of this order, the court enforcement officer (sheriff) is directed to give vacant possession of the unit to the landlord on or after March 20....”

Again, the order includes a list of expenses and so forth.

The reason I bring this up is that the system isn't working. These things happened before I had ever heard from the landlord. I then got a call from the landlord wanting to know about the process, because he was invited now. Of course, he went to the sheriff to get the service so he could get his apartment vacated so he could start getting payment for his apartment, and he was told that there was a stay put in place. When he asked where that would come from, he found that the tribunal—not necessarily the same hearing officer—has the power, for extenuating circumstances, to give a stay of an order, even though it's an order for not fulfilling the orders that were previously given. So there was going to be a hearing on March 31 to see whether there was a legitimate reason for a stay. Of course, when they got that stay, the landlord got a certificate.

I don't bring this up because I think any of it is frivolous, but I think the process leaves something to be desired.

To get the stay, this was sent by the tenants: “I've received an eviction notice from the sheriff's department to move on March 29.... Our daughter has recently been diagnosed with cancer,” and has commenced chemotherapy; she's receiving treatment. Again, I think it's a very serious situation, but these are all things that have been ongoing for some time. How long does the landlord not get paid for rent based on the circumstances of the tenants? That's why I bring this up.

We talked about the notification and being able to go to the hearing. It's a wonderful thing, but that is not the problem in this case. What we need is something in place that helps these people pay the rent, because it doesn't matter how many times they get notices. In their case, it

wasn't the lack of being at the hearing; it was the lack of a process in place that helped them when they got to the hearing. I think that's the part that's so important in that case. In both hearings, the family problems and the health problems that they had in the family were given to the hearings officers as the reason these things were happening: They were short of money; one of the two parents was unable to work, so they didn't have money.

To have gone through this whole process and then to find out that at the end of it we have a third hearing to deal with exactly the same thing, only the third hearing was accomplished without the landlord ever having a say when they went to an officer to say, “We have these extenuating circumstances”—before they issued the order for another hearing, they didn't call the landlord and say, “Is this a legitimate concern?” I think it's so important that we recognize that just extending the ability for tenants to be heard is not going to solve our problem.

As we go through the bill—and we know that the bill was supposedly introduced—that's kind of an oxymoron, isn't it? “We know” and “supposedly” really don't fit, but that's the problem here. We've been told that the bill was introduced to help the rental market, to open up the availability, to make sure that we're fair to both landlords and tenants and to make sure that tenants have affordable, quality housing.

But again, going back to the comment I started with, which was the quote from the Toronto Star in 2002, because I think that's really not so much where we are today—I personally don't know why we have this bill before us today, but the market of 2002 that they were talking about in the Toronto Star, I think, is the reason that one has to be cautious of what the purpose of this bill is.

Let me quote again: “‘The market is the loosest we've seen in modern history. Not since the early 1970s have we seen rates like this and landlords competing for tenants,’ says Vince Brescia, president of the Fair Rental Policy Organization, the largest provincial organization representing landlords.

“In some cases, the phenomenon is prompting landlords to drop rents by up to \$200 a month, in addition to providing a slew of perks.

“A natural reaction to the vacancies has been the development of marketing procedures. People on the marketing side of the industry are in real demand right now,” says Brescia, pointing to an array of methods being used to entice people.

“First comes the lure. That's when the landlords try to reel in potential tenants with the use of cosmetic surgery—the bricks and mortar kind.

“Next comes the hook. That's when potential tenants are showered with incentives such as a month's free rent or six months of free parking—all on top of an already discounted rental rate.

“Finally comes the clincher. That's when specialists hired by landlords draw up foolproof leases that will hopefully fill vacancies landlords have been desperately trying to fill.”



It seems to me, and I think many people would agree, that the number one issue that will entice people to come into an apartment—and I think it was mentioned earlier in the story—is lower rent. In fact, even in 2002, rents were being dropped in order to entice people to come in. The market then and the market now is working. Vacancy rates are up and rents are down. Further regulation requirements would dampen the system. If it's working now, why would we want to change the thing that's working?

Here's another quote from the *Toronto Star*: "I've been managing buildings in Toronto for 20 years and we've never had to put the effort into renting apartments that we do today," says Herman."

So I ask again, why would the McGuinty Liberals want to mess with something that's already working well?

There's another thing I just wanted to go over quickly here. When a bill is introduced—of course, Mr. Speaker, you would know, but the people at home wouldn't—it comes with a compendium that explains, through the legalese, some of the things that are in the bill. The thing that struck me was that the responsibilities of the landlord was one of the things identified. As we read it—it's half a page—this part sets out the rules that protect a tenant's privacy and how and when a landlord may properly enter the rental unit. This part would also enact rules regulating the maintenance of the rental housing, the provision of vital services for tenants and the protection of tenants' reasonable enjoyment of their housing from harassment.

To protect tenants' privacy, landlords would only be allowed to enter rental units for certain reasons and with proper notice, except in certain circumstances, for example, for an emergency. This part would provide applications that could be made by tenants to the Landlord and Tenant Board and the remedies that the board could order. This part would also provide for certain remedies for tenants that would be available under the legislation if the rules were breached. The bill would authorize a landlord, after providing 24 hours' notice to the tenant, to enter the rental unit to conduct a maintenance inspection.

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In addition, the bill would provide a series of remedies for tenants experiencing maintenance problems, including a provision that would empower the Landlord and Tenant Board to stop all rent increases where there are serious outstanding work orders or maintenance issues until these issues or work orders are dealt with.

Part of that I have a bit of concern with, as to at what level someone would decide what were serious problems in the accommodations, and what would allow tenants not to pay the rent. I have concerns that some people are going to make their judgment themselves, after they read that. Obviously, it then goes to the tribunal. Again, they go through the long process through the tribunal and then find that they do have to pay it and they then have an eviction because they don't have the rent paid. I would think that would be a real detriment to the tenants.

The other thing I wanted to point out—that was a half-page section. The next one is only a paragraph, on the

responsibility of the tenants. One of the things that I hear a lot about as I deal with landlords and tenants is the problem of when a landlord and a tenant have a disagreement. Again, as I said earlier, if they're getting along great, there is no problem and they can work out their differences, but when they start having differences, the landlord always—generally, the ones I talk to seem to think that they have no control over their assets.

One of the first things that comes out is these landlords, rightfully or wrongfully, immediately see all kinds of things that tenants do to their capital which cause destruction in the unit—things that shouldn't have happened, things that don't get looked after as they should, just normal housekeeping things. People have accidents in their home, like the door hinge breaks and doesn't get repaired, so they just take the whole door off, and things like that. This is what people tell me. In fact, somebody told me the other day that the apartment that he was just fixing was going to cost him \$20,000 in renovations between one tenant and another, just to make it acceptable for the new tenant.

Again, the responsibility of tenants—I think we need more clarification as to what tenants are responsible for, rather than just what the landlord is responsible for.

**Mr. Bisson:** Paying the rent.

**Mr. Hardeman:** Yes. But I think it's so important—I really do believe that when a tenant lives in an establishment, in a rental unit, at that point, if they pay the rent, they have the same rights in that accommodation as I do in my home. But when something goes wrong in my own home, I become responsible for that. If it was someone who damaged something in my home, I have to fix it. I think we need something in place to make sure that that happens in rental too.

Not to suggest that if I'm renting an apartment I should be responsible for the ongoing maintenance of the apartment. If the roof starts to leak, it's not the responsibility of the person renting. But if someone has done destruction within the apartment, I think that should fall upon the person renting it, the same as if it were their own home. I think it should be treated, and they should be able to treat it, as their own home.

I have absolutely no objection to legislation that says that a landlord can't just walk into that house any time, that they have to make appointments, because it isn't their home, it's the home of the tenant. But at the same time, we have to have the rules apply that they have to treat it as their home too, not as someone else's asset that they don't have to worry about. I think that's very important. It's something we should be looking at, to make sure that we don't just put all the onus on what the landlord has to do, but we also look at what the tenant must do.

Again, the act has a section in it that deals with quicker—is that the right word?—faster—

**Mr. Bisson:** Expedited.

**Mr. Hardeman:** Expedited; that was the right word—expedited eviction if there is destruction. If they're wrecking the place, they get turfed out, I guess is the



right way to say it. I look at the issues I've dealt with in my riding and I find that there's always—not always, but very often there's a connection with the destruction and not paying the fees. A lot of times, the destruction takes place after the eviction notice for not paying the fees. So at the same time that we're putting in place an expanded or lengthened time of eviction for not paying the rent, we're saying that if you can then rush back and find that they've broken a window or something, anything, you can say, "Now we can put them out even quicker." To me, eviction for different reasons being different lengths doesn't make a lot of sense. I don't know who is going to decide what the destruction was and when it's occurring. Most of the time, in fact, the destruction is not evident until after the eviction has taken place, not before. Not many people call someone up and say, "Guess what? I've got a lot of things in my house that aren't quite the way they're supposed to be, in my apartment. I wish you would come and fix the holes in the wall," and then find out that's why the landlord is going to evict them. I think this is something that comes up later.

There are a couple of other issues I just wanted to touch on. One is the issue in the mobile home parks and land-lease communities. I think this would be particularly acute in northern Ontario, but I know it is in rural southwestern Ontario too, where we have mobile home parks. In the last number of years, the issue of renting the lot that the unit sits on and owning the structure that's on it is causing a problem. The big problem, of course, is taxation and the assessment issue that's presently on it. I'm sure everyone who represents a rural or northern community will have had contact in their office on that, where in fact MPAC comes in and puts an assessed value on the mobile home. They do that within the whole park, and then they send a list of those assessments to the park owner. Then the park owner, if he has a lease with each one of those and the lease allows him to do that, can pass that through to each individual mobile home.

This act, as it deals with the Tenant Protection Act, deals with those issues beyond just taxation, for other expenditures in the park and so forth. We need different rules for the land-lease system than you do for eviction in an apartment building or in a rented apartment. It does deal with that, the obligation of the park owners to justify the cost of the infrastructure that's going in and so forth. But I think it needs to be very clear how that's going to be charged back and who has to pay.

Incidentally, I think a problem exists presently, and that's why I mentioned the taxation part, where there is no real legislation for the passing through. In a lot of areas, particularly where people have had tenancy for a long time, they don't have a written lease agreement, so they don't have the ability to pass the taxes through.

The other thing that I found rather interesting in recent time is that there's a problem with the taxation, because if the landlord passes it through as rent, now the federal government puts GST on that. If the tenant pays it directly to the municipality as taxes for the mobile home and the lot—the lot of course is paid by the landlord but

if you send it directly, taxes are not susceptible to GST. But they are if they're paid as rent to the landlord. Again, that causes a problem.

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But on the mobile home parks and land-lease communities, I think it's important that we have a system in place that deals with them as tenants, but not the same as tenants in an apartment, because all they're really leasing is the right to be there and the little plot of ground that they're on.

There are quite a number of other ones, but I think the issue of the appeals and the reasons for evictions are the main part of the bill that changes this bill from the Tenant Protection Act. I think we really do need to have public hearings on it to make sure that the issues are dealt with in the best interests of all the people involved.

The other thing that worries me a little bit about the bill is the number of regulations and the regulations-making ability in section 241: The Lieutenant Governor in Council can make regulations. I know they always say that the regulations are what makes the thing function and the bill is just to give the right to make regulations, but this bill has—let me see here; I'll keep going here—75 different regulation-making powers. I suppose some of them are—I see the word "serious" here—really necessary in order to make the thing function, but I get concerned when I see regulation-making powers such as "defining any word or expression used in this act that has not already been expressly defined in this act." That's going quite a long way: "If this act isn't perfect, we're going to put one sentence at the end of it that we get the right to make it perfect without going back to the Legislature." It would seem to me that that's a pretty broad statement.

Number 75, I suppose, takes the cake: "Prescribing any matter required or permitted by this act to be prescribed." I would think if we had 74 and 75, I would be hard pressed to find anyone—I would ask anyone from the government side to tell me which other one we would need, because those two are so broad that, in fact, if you can prescribe any matter required or permitted by this act to be prescribed, I don't know why you would need 72 other regulations. You might need 74, because it doesn't say it's expressly going to be contained in this act—so you might want to keep that one—but all the rest would be covered by those two. I'm not as concerned about all the rest as I am about those two. When you start putting that broad of regulation-making power in, I get really concerned as to what the real intent is or what they believe they have missed out in the 72 that they need more protection in there.

Last, but not least—and I see my time has almost expired, Mr. Speaker—I just wanted to talk quickly about the smart meters and the process. I support the issue of making sure that we accommodate that in rental units. In my community we have smart meters now, and we've had them for quite a number of years. They can do what the government wants done, but they were put in place for a different reason: It's "pay as you go hydro." In fact,



at the local variety store everyone can buy hydro power on a card, they can put in their powerstat and they use it, and then when they need more, they can go and get more. I would encourage more use of that. It's working very well, and I think it could do all the things the government wants to do. I am pleased, and we do need the ability to be able to deal with that in the rental units, where the landlord and the tenant share the responsibility for the provision of that service. I do appreciate that being in here so we can work with that.

Thank you very much for letting me put a few thoughts on the record. We look forward to further comments on this bill and many public hearings so that the public too can hear what goes on in this bill.

**The Speaker:** Questions or comments on the speech by the member from Oxford?

**Mr. Bisson:** To the member for Oxford, I thought it was actually a pretty good summation of the bill. I don't agree with everything he had to say but I think generally there are a couple of things we can agree on.

One of the things that bugs me about this bill—and I'm going to get a chance to talk about it later, it's not just this particular version of what they no longer call the Rent Control Act; this is basically vacancy decontrol, but I'll get into that later—is the complexity with which the act is written. A number of us in constituency offices across this province have had to deal with both landlords and tenants when it comes to rights under the Rent Control Act. One thing that really strikes me is the way it's written. For example, the member went on at fairly great length about those cases where tenants don't live up to their expectations. So here you've got a mom-and-pop rental unit. Sometimes it's an elderly couple or just somebody trying to pay the mortgage who has an apartment building that has maybe the main floor where they live and they rent out the basement or the upstairs apartment to somebody else to help pay for the mortgage. They're not a big corporation; they're not a company that's out there trying to be in the rental business. They're just trying to pay their mortgage. If you take a look at how this act is written, it's fairly difficult for people on either side to read and it's far more complex than I think it needs to be.

I was looking at, because the member raised it, the issue of, what do you do in the event that somebody doesn't pay their rent and you, the landlord, have your mortgage coming due? You rely on that money in order to make your mortgage payment and the person refuses to pay the rent. There should be a clear obligation that people pay their rent. That seems to me one of the basic things. But if you walk your way through the process of eviction, it's quite complicated and quite time-consuming, and often little mom-and-pop landlords find themselves in a position of being under very serious financial constraint because of the onerous way the act is written. Yes, we need to protect tenants, but you need to have a certain balance in there about how you come at it to make sure that both sides—

**The Speaker:** Thank you. Questions or comments?

**Mr. Duguid:** I listened carefully to the member for Oxford as he worked through his 60-minute address.

**Mr. Bisson:** We did.

**Mr. Duguid:** We did. We listened very carefully to what he had to say. Right off the top he questioned comments I had made about this being the most substantial legislation in terms of enhancements to tenant protection in over a decade. There's no question that it is. He said, "What about the Tenant Protection Act?" The Tenant Protection Act was hardly an enhancement of protections for tenants. That was the old Conservative legislation that really clawed back protection for tenants, and it was unfortunate. I think that's what created some of the lack of balance that has taken place.

I didn't hear him mention whether or not he supports the improvements to the eviction process. He may have; I didn't hear him if he did. I'm hoping that the member will support our efforts to make the eviction process fairer. I'm sure he would admit that five days is just not enough time for someone to respond to whether or not they dispute an eviction notice.

I didn't hear him talk about the improvement to the guideline, making it more transparent so that both tenants and landlords will know what's coming year in and year out. I didn't hear him mention the improvements to the AGI, the above-guideline increase process, where there would be some limits to the AGI, reasonable limits. So landlords will still be encouraged to make necessary repairs and capital investments but they won't be able to get out of hand, nor will tenants have to continue to pay for those investments well into the future when the landlords stop paying for the costs.

I'm looking forward to hearing the member further at committee. I'm looking forward to hearing whether he'll be supporting these very important enhancements to tenant protection.

**Mr. Toby Barrett (Haldimand-Norfolk-Brant):** I felt that the member for Oxford put in a good 60 minutes. As he explained, the minister responsible has described this as good legislation for good landlords and good tenants. I just question, what good is that? Why do we need legislation? We need legislation for bad landlords; we need legislation for bad tenants. These are the kinds of problems that I hear about in my constituency office.

I'm a homeowner. I'm also a tenant. I'm also a landlord, and with a number of properties in the past I've been a landlord for 14 years or so. There are very good tenants. Most of them are, the majority of them are, in my experience, but you do get the odd bad one.

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Like the member for Oxford, I appreciate his case study, if you will, based on meetings in his office. I've had meetings in my office. I think of a number of meetings this winter with landlords, small landlords, people who rent out a farmhouse, for example, or a couple of apartments. This winter, they were under the distinct impression that this proposed legislation, based on a McGuinty promise, would toughen the Tenant Protection Act. Their perception is that landlords have very few



rights. They feel the system is not working, from their perspective. They feel tenants are abusing the system.

They also feel the system has changed. They're concerned that in the last couple of years, and this is their accusation, if you will, adjudicators are much tougher on landlords—I'm referring to the small landlords in my area—through the Rental Housing Tribunal. This is an organization that, thanks to this bill, will have its name changed to the Landlord and Tenant Board. The only other merit I've seen so far is that they're changing the—

**The Speaker:** Thank you. Questions or comments?

**Mr. Wayne Arthurs (Pickering-Ajax-Uxbridge):** I had the opportunity to hear much of the member for Oxford's hour. I appreciated his comments during that time. This piece of legislation has required a lot of consultation. I think he's right that the committee hearings that will follow second reading will be another important opportunity to hear the various interests, because this is a tough balancing act between tenants and landlords, and ensuring one gets it right, with issues around evictions and strengthening and changing that. Issues of wilful destruction of property are clearly of interest to all those engaged in the process and those who aren't, those who watch as homeowners to see how properties in and around them are managed.

I know the member for Scarborough Centre was very active on this file early on during the mandate, consulting on behalf of the minister. It took a lot of time then and I think a lot of thought had to go into drafting the legislation. I know he'll be anxious as well to see second reading, and committee hearings after that, to find out what other interests are being expressed.

I'm not going to take the full two minutes available. I know we have yet more speakers to come, so I'll wrap up my two minutes in something less than that and allow the member for Oxford to take his opportunity for his summation.

**The Speaker:** Response? The member for Oxford.

**Mr. Hardeman:** I want to thank the members from Pickering-Ajax-Uxbridge, Haldimand-Norfolk-Brant, Scarborough Centre and Timmins-James Bay for their kind comments.

I think the parliamentary assistant mentioned, was I interested in the new process for eviction, or lengthening it to give tenants more opportunities? I said in my presentation that I want to give everyone as much opportunity as we can that makes it reasonable for both parties. But as I mentioned on that one case that came directly from my riding, in fact it went months, and the changes that were made would not help that case at all; in fact, it would have made it worse. So I think we need to have a discussion as to whether the timelines that are being put in are actually going to improve it.

The member from Timmins-James Bay mentioned the small landlords in rural Ontario. There are more of those than there are large landlords. I want to point out that I didn't use the example here in the House, but we have an individual in my office who was willing to let his house go for taxes because the tenants were not paying and the

process was not allowing him to get the tenants out of the house. Hopefully this will help with that, because it included wilful destruction of property, and there was still nothing they could do because of the approach and the process that was allowed, and the tenant could still go through. Hopefully, this act will help clean that up. If it does, that part I would support.

**The Speaker:** Further debate?

**Mr. Bisson:** I'm going to have an opportunity to speak on this bill in some detail. I'm glad to get that opportunity because there are a lot of things I want to say about this bill. There are so many parts of it that I won't have enough time—oh, I want to say first of all that this is standing down the lead for our critic. This is a 20-minute speech. Unanimous consent—

**The Speaker:** The member for Timmins-James Bay is asking for unanimous consent to stand down the lead. Agreed.

**Mr. Bisson:** It's amazing, when you look at the clock, the things you learn.

Anyway, I was saying that I want to take the opportunity I've got—20 minutes; there we go—to deal with a couple of parts of this bill that are rather interesting, given where the bill is coming from and the promises that were made in the last election and prior to the last election. I remember; I was here with some of you who are on the other side. Some of those members who were part of the Liberal opposition stood with me in opposition against the Conservatives when they moved on what is called "vacancy decontrol." There used to be a time in this province, we all remember well, when basically rent control was brought into this province, and it was brought in for good reason. At a time of a bull market in the rental industry, rents were going up; they were going through the roof. There was very little in the way of ability for people to find units, with a short supply of rental units. The prices went through the roof, and people weren't able to afford to pay rents.

Then Stephen Lewis, the leader of the New Democratic opposition of the day, came into the Legislature along with people like Elie Martel, Floyd Laughren, Dave Cooke and a whole bunch of others, and pestered and pounded the Bill Davis government day in and day out until finally the Davis government relented and introduced rent control legislation for the first time in this province.

Since then, it has been the official policy of all parties—Conservatives first, then Liberals and New Democrats—to endorse the concept of rent control. We understood—most of us in this Legislature, I thought—that rent control was a good thing, not only for tenants but I would argue for landlords also, if properly set up. The idea was to provide stable rent for people who were having to rent units as a place to live, so that we were able to make sure that people were able to get one of the basic things we need to survive, and that is a roof over one's head, as far as rental.

The Conservatives came to power in 1995, and they turned that on its head. They stood here and basically said they were going to scrap rent control. I'll give the



Conservatives some credit: They said they were going to do that in the election. We were opposed to it, but there is an argument to be made that the Conservatives of the day, in opposition, campaigned saying they were going to scrap rent control. They were very clear about it. They got a majority, they came into the Legislature saying exactly what they said they would do, and they did it. They got rid of rent control, and they brought in what was called "vacancy decontrol."

That, simply put, is: Once a unit becomes vacant, there's no longer any rent control. Then there's a re-adjustment. The market will determine what that rental unit will rent for. Once the person rents the unit, there is a type of control put back on that is pretty loose, actually, because people's rents have gone up by about 25% since this particular rental system was put in place, whereas the actual inflationary pressure was much less than that. I've got those actual numbers somewhere, and I know that when I try to find a briefing note, I can never find what I want at the time that I want to debate. Where was it here? "The average rent has risen a cumulative 21%"—pardon me—"over the past five years, compared to 12% in the consumer price index." So there has been almost a doubling of rent prices under vacancy decontrol, as compared to the CPI.

We know that the Liberals in opposition were really clear. Dalton McGuinty, Dwight Duncan and a whole bunch of other Liberals stood in this House and said, "We're opposed to vacancy decontrol," and they promised in the last election and the run-up to the last election that if they won government, they'd scrap vacancy decontrol and bring back in real rent control.

Here we are, almost three years later. This legislation was supposed to be done, if I remember the promise correctly—within 90 days of forming government, they would be here with rent control legislation. They basically brought back what the Tories had. They basically reintroduced vacancy decontrol; they just tweaked it a bit. I find it quite interesting, and sad for how people view politicians, that Dalton McGuinty and the Liberals in opposition said they would do one thing and are doing the complete opposite now that they're here in government in the province of Ontario. It's another broken promise on the part of the McGuinty Liberals, but I think it also adds to the cynicism that the public feels towards politicians. If people are feeling cynical about politicians today, it's because of those types of actions. People understand that if you make a promise and you get elected, you should keep it. What happens in this case, as has been the case over and over again with the McGuinty Liberals, is that not a lot of promises are kept.

1750

So what have we got? We've got vacancy decontrol. What does that mean today? Take a look at the housing market in Toronto and Burlington and other places where there has been a boom in the resale market of homes. You're looking at houses that were selling for \$250,000 just a couple of years ago going for \$300,000 or \$400,000. Like all members at Queen's Park who live

outside Toronto—I live in Timmins—I'm entitled to an apartment in downtown Toronto. If you were to try to buy one of those units—they're condominium buildings we are renting in. I remember moving into this particular unit. It was worth, I believe, about \$140,000. It's now almost \$300,000 for that unit.

Just stop and think about it. If the resale market is that hot and the prices have gone up that much, the same is going to happen on the rental side. That's exactly what we're seeing. When I first came to this place, a newly elected member back in 1990 could rent a one-bedroom apartment downtown in the city of Toronto for about \$850 to \$900 a month. That's about what it was worth. You can't get a unit close to Queen's Park any more for less than about \$1,900 a month, and all of that under this vacancy decontrol. The rents in places like downtown Toronto have skyrocketed. The average is obviously less than that, but under vacancy decontrol we're seeing rents skyrocketing because the market will bear it. There are people who are prepared to pay exorbitant amounts of money for rent in downtown Toronto. The larger rental corporations who are in the business of renting their units—where are you going with my water?

*Interjection.*

**Mr. Bisson:** No, I put it there because I was going to grab it with the left hand. Thanks a lot, though. That was fun. I did that as a joke. I'm not really—anyway, that's a whole other story.

**Mr. Kevin Daniel Flynn (Oakville):** He's going to phone home right now.

**Mr. Bisson:** He's going to call home and say, "Dad, you wouldn't believe what the MPP just did to me. He told me not to take his water away." The pages around here are great, and they've got a good sense of humour, I'm sure.

*Interjection.*

**Mr. Bisson:** I think I scared myself. The page is gone. I'd better drink a glass of water to make up for that.

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** You're going to have to drink both glasses now.

**Mr. Bisson:** Exactly. I'm going to have to drink both glasses of water, as my good friend Mr. Bradley says.

The point is, rents have gone through the roof. If you look in areas where there is a tight supply of rental units, the rents have gone up by a considerable amount of money over the last number of years. I would estimate in downtown Toronto—we're talking downtown core Toronto—the rents have gone up over the last five years by probably about 30%. That's pretty hard for some people to take. I don't know how people make ends meet at the end of the day. In other areas where there isn't a tight supply, obviously the rents have not gone up as much.

The point is, the Liberals promised they would end vacancy decontrol. They said they would do it before the election; they campaigned on it. They had campaign documents where they said they were going to end



vacancy decontrol. I now have this act called An Act to revise the law governing residential tenancies. We don't even call it rent control anymore. I say to the Liberals, a promise made and a promise not kept is not going to serve you well at the end of the day.

Aside from the issue that we really don't have rent control in this province anymore—what we have is vacancy decontrol, and the Liberals are continuing that way—let's talk about a couple of parts of this act that I think are somewhat troubling.

One of the sections of this act that I have a problem with, and we had some discussion amongst ourselves earlier today on this particular issue, is the whole issue of a set-aside or a delay on an eviction order. If a tenant is basically given an order by the tribunal, or is going to the tribunal in order not to be evicted from a unit, there may be a reason why the tenant can't be there. I agree that you don't want to have a situation where the tenant can just not show up and can use lame excuses for not showing up as a means to delay the order. I think you need to make sure that people take the responsibility. That's not my argument. But what it basically says in the bill is that if the person is ill, if the person is not able to attend because they're in hospital, for example, with a heart attack, and there's the eviction order and the tribunal hearing is happening, they will just continue the eviction order. I think that's a little bit heavy-handed. I understand that one part of the argument is that you have some people out there who will try to take advantage of the law to their benefit. That happens at times with tenants as well.

I understand why the Conservatives put this in the legislation. They put this clause in the legislation that basically says, if a tribunal hearing is set, there's no reason for you not to be there. If you're sick, too bad, so sad, the tribunal is going on without you. If it orders against you, you've lost the case and that's all there is to it. I thought at the time, when the Tories put that in the legislation, that it was heavy-handed.

I'm going to get a note from the page. I'm sending your father home a note and I'm going to say I'm sorry. No, I'm not. I'm actually pretty nice. That was funny. Good for you guys. My friends over there—I can't believe they do these things to me. I'm blushing now.

I just say that it was a provision in the old act that I disagreed with. Let's say it does happen. Let's say a person, for whatever reason, is tight in their finances, and that's a lot of people out there. The rental payment is to come on the first of the month and the person, for whatever reason, is not able to make that payment—because of illness, they land in a hospital or whatever—

you could be put in a situation where there's an expedited eviction and the person is in hospital, unable to defend themselves, and there's no mechanism to deal with that. It seems to me that's somewhat heavy-handed.

Yes, you want to make sure people don't use that part of the law to purposely delay an eviction that should happen. Clearly, we need to have some balance in that law that says that if something happens that's totally out of your control, such as you're sick, you're in a hospital on a respirator, whatever it might be, you shouldn't have to unplug the respirator to go to a tribunal. You should deal with your health first. It just seems to me that part of the act is a little bit outside the pale.

The other thing in this part of the act that I find really—it's more of this electricity stuff the government keeps on going down. I like to call them extra electricity use meters. They call them smart meters. But what they're really all about is that the more electricity you use in peak times, the more you're going to pay. I think that if you're talking about conservation and trying to find a way to reduce the overall demand on the electricity system as a means of not having to add capacity and generation, that's a good debate and we're prepared, as New Democrats, to get into that.

There are a number of progressive programs we can do to help people retrofit their homes so that energy consumption goes down. If you look at California, California did that to a large extent and they have reduced the use of electricity—I'm trying to remember. I don't want to use a number because I might be wrong, but I know it's three Darlingtons. At the end of the day, after they went through their conservation program for the past number of years, they prevented the add-on of what would be the equivalent generation of three Darlington plants.

These extra use meters, or smart meters as you would call them, I believe at the end of the day are only a means by which Hydro gets more money. I come home from work at 5 o'clock and it's peak time. Am I going to cook my supper at 2 in the morning? No. People are going to eat when they've got to eat. I come home and I've got to do my laundry. I get off work, I walk into my apartment or my home at 6 o'clock at night, and I've got an hour to do my laundry. What am I going to do? Wait till 2 o'clock in the morning? No. You're going to do your laundry when you're going to do your laundry. What this whole extra use meter thing is going to do is make people pay more for electricity.

**The Speaker:** It being 6 of the clock, this House stands adjourned until 6:45 of the clock this evening.

*The House adjourned at 1759.*

*Evening meeting reported in volume B.*



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**Assemblée législative  
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Deuxième session, 38<sup>e</sup> législature

**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Tuesday 9 May 2006**

**Mardi 9 mai 2006**



Speaker  
Honourable Michael A. Brown

Président  
L'honorable Michael A. Brown

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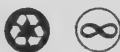
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# LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 9 May 2006

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 9 mai 2006

*The House met at 1845.*

## ORDERS OF THE DAY

### TIME ALLOCATION

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** I move that, pursuant to standing order 46 and notwithstanding any other standing order or special order of the House relating to Bill 102, An Act to amend the Drug Interchangeability and Dispensing Fee Act and the Ontario Drug Benefit Act, when Bill 102 is next called as a government order the Speaker shall put every question necessary to dispose of the second reading stage of the bill without further debate or amendment and at such time the bill shall be ordered referred to the standing committee on social policy; and

That no deferral of the second reading vote shall be permitted; and

That, in addition to its regularly scheduled meeting times, the standing committee on social policy shall be authorized to meet at the call of the Chair on May 29, May 30, June 5, June 6, 2006, for the purpose of conducting public hearings and clause-by-clause on the bill; and

That the deadline for filing amendments to the bill with the clerk of the committee shall be 12 noon on June 6, 2006. On that day, at not later than 5 p.m. those amendments which have not yet been moved shall be deemed to have been moved, and the Chair of the committee shall interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of the bill and any amendments thereto. The committee shall be authorized to meet beyond the normal hour of adjournment until completion of clause-by-clause consideration. Any division required shall be deferred until all remaining questions have been put and taken in succession with one 20-minute waiting period allowed pursuant to standing order 127(a); and

That the committee shall report the bill to the House not later than Wednesday, June 7, 2006. In the event that the committee fails to report the bill on that day, the bill shall be deemed to be passed by the committee and shall be deemed to be reported to and received by the House; and

That, upon receiving the report of the standing committee on social policy, the Speaker shall put the question

for adoption of the report forthwith, and at such time the bill shall be ordered for third reading, which order may be called on that same day; and

That, on the day the order for third reading for the bill is called, the time available for debate up to 5:50 p.m. or 9:20 p.m., as the case may be, shall be apportioned equally among the recognized parties; and

That, when the time allotted for debate has expired, the Speaker shall interrupt the proceedings and put every question necessary to dispose of the third reading stage of the bill without further debate or amendment; and

That the vote on third reading may be deferred pursuant to standing order 28(h); and

That, in the case of any division relating to any proceedings on the bill, the division bell shall be limited to 10 minutes.

**1850**

**The Speaker (Hon. Michael A. Brown):** Mr. Bradley has moved government notice of motion number 144. Pursuant to the rules of debate, the time will be divided evenly amongst the parties.

**Hon. Mr. Bradley:** Thank you for that opportunity. I am one who is always reluctant to see a time allocation motion placed in the House, and members have heard me say this in times gone by, that I'm reluctant to see that happen.

However, you do get an indication during the debate, and I think in discussions with others, that a bill has a life that may be much longer than one might anticipate or reasonably expect.

The bill has now had three days of discussion in the House, an extensive debate. We've heard from members of all the political parties on this legislation. There's been much discussion of this issue over a significant period of time, and I think each government that has assumed the responsibility of office has recognized that there's a major challenge that has to be met. This bill is a bill which tries to meet that challenge.

Without a doubt, we recognize that the cost of the provision of health care in the province is escalating at a very significant rate. Each of the political parties represented in this House has tried to provide the kind of health care system that we believe is appropriate and necessary for the people of this province. It's tried to do so in a responsible fashion, but still taking into consideration that which the people of the province desire.

One of the costs that has increased dramatically in recent years has been the cost of prescription drugs. Each political party that has assumed office has examined the



challenge very carefully and, after examining it, has decided to take whatever action it deemed appropriate. One of the fastest-escalating costs within the health care system, without a doubt, is the cost for prescription drugs. My colleagues who sit on the other side of the House and who once had the responsibility of office I think could foresee that this was not going to get better for governments, but would be much more of a challenge as many more drugs are on the market today and, second, there's a significant portion of the business out there, those who are in the pharmacy business or the production of drugs, who are expanding the products that they make available to the province. I think each government has endeavoured to deal with this problem, and this government has deemed it appropriate to do so after some significant consultation.

I've been in opposition more than I've been in government, and I detected from the debate that was flowing, and just from casual conversations with my good friends opposite, that it was unlikely that this bill was going to proceed in any kind of expeditious manner. While we expect a fulsome debate—and there has been a fulsome debate and there will be further debate and discussion in committee and on third reading—it has been the opinion of the government that this bill would be held up for a very long time in the House, with perhaps endless debate.

As one who has participated in that endless debate in years gone by, I'm certainly not critical of my friends in the opposition. In fact, it is the responsibility of the opposition—I don't expect they're going to be standing to cheer on a time allocation motion; certainly, I can recall, in my days in opposition, not cheering on any time allocation motion, but also recognizing, when I sat in opposition, that there were simply some bills that I, as an opposition House leader or person with some kind of authority on the other side, was not prepared to give to the government.

The government made a judgment, after a period of time, that the debate would go on at great length, far greater length than anticipated, and perhaps in some cases justified—although I am one who likes to err on the side of a more extensive debate. But we've heard from the opposition and from government members on this legislation, and I think we're getting a fairly clear picture of where their initial stand is. I think what will be valuable will be the public hearings, the committee work that is going to take place on this bill. You notice it's not being rushed through this month or anything of that nature. It's giving some considerable time for the members of the opposition and of the government and for the general public to deal with this legislation. We have an ambitious legislative program to deal with as well.

Were I sitting on the other side, and I sat on the other side for a long period of time, I would not ask the government to anticipate that I would be voting for this motion. If I were making a good guess tonight, I would guess that neither opposition party is going to vote for this motion, although I'll tell you, hope rests eternal out there that it will happen someday. But I understand it. I

sat in opposition. The opposition, by the way, in our democratic society plays a significant role. I am one who will never diminish the role played by the opposition in any of the debates that take place. I was an opposition tactician, so I know what I would be doing were I sitting on the other side. I won't be scolding anybody on the opposition side for the fact that you would like to continue the debate at some length and to canvass the issues. But we're not rushing it through this week or next week. The month of June is the time when it will be finally decided.

There will be people who will make their opinions known to those of us who are members of the Legislature. Some we may agree with; some we may not agree with. I think the committee time will be of some significant value to us. I can't necessarily speak on behalf of everything, because I can't anticipate everything the opposition is going to say, but I'm sure the government will listen carefully to all members of the House and the submissions they make, and to submissions that are made by people who want to comment on the bill in the time they will have to do so in committee. I will be interested, as I am sure the government will be, in what they have to say, in what recommendations they have and where they have serious problems with the bill.

I understand there are going to be some who will never be satisfied with the final provisions of the bill. This deals with some significant vested interests in the province, and I understand that, and were I those vested interests, I would be making my views known to members of the Legislature. But I want to say that this government has looked for a long period of time at the challenges presented in this field, has canvassed opinions and has looked at what previous governments have done or tried to do in regard to dealing with the rapidly escalating costs of prescription drugs in the province of Ontario.

There is a fine balance out there. I know the role of the opposition, as I say, having spent the majority of my time on the opposition benches. I don't expect the opposition will be endorsing the bill in principle, or voting for or speaking in favour of the motion we have before us this evening. But whether I'm in the House itself or have access to the feed from the House through television monitors, I will be very interested in hearing what is said this evening.

**Mr. Norm Miller (Parry Sound-Muskoka):** You'll be watching the hockey game.

**Hon. Mr. Bradley:** The member from Muskoka suggests I will be watching the hockey game. The Buffalo Sabres are not playing tonight, so I cannot anticipate that.

*Interjection.*

**Hon. Mr. Bradley:** The Senators. I know there are some Senator fans here who will not be doing that. I will be riveted to the television set, listening to this Legislature, if I'm not actually in the House listening to my good friends on all sides of the House speak about this motion.

This is not an easy bill. I think all of us who have assumed the mantle of government—the Conservative Party has been there, the NDP has been there, the



Liberals have been there. This is never an easy file to deal with, the file dealing with prescription drugs. There are very powerful interests out there that have a vested interest in our not proceeding with this legislation. There are some who have very legitimate views to offer that may be contrary to certain provisions of this legislation, and we're going to be interested in hearing from those individuals. I'll also be interested, as the debate goes on, still on the thrust of the bill itself, and into committee itself, and on third reading, in hearing what the opposition has to say. I know there will be those in the industry itself, the prescription drug industry, who will be making known their views. People with a medical background, the general public and consumer groups will all have an interest in dealing with this particular legislation. So I look forward with some anticipation to my friends opposite and my colleagues on the government side and the views that they will express.

**1900**

No government, in my view, wishes to proceed with a specific allocation, or time allocation, on legislation. But each person here in this House who has had the position of government House leader has had to make a judgment that a debate will in fact go on for some very lengthy period of time. To focus the debate more, governments—I hope in our case, rarely—bring in motions which set out specific times for the discussion of this bill. Within the parameters at this time, first of all I think we've heard some interesting debates so far, and I want to commend all members of the Legislature who have expressed their views on this. We have questions that are coming during question period. We have questions that come from various people out there, sometimes when there's a big fundraiser held, and the next day the opposition asks some very significant questions. I don't know what the tie-in is there. My friend Bill Murdoch, who is across the floor, may be able to tell me what the tie-in is of that. From time to time I hear the questions forthcoming and probably it was ever thus. So I have no expectation, though I guess hope rests eternal in all of our hearts, that the opposition members will be voting in favour of this resolution this evening. Certainly I can tell you, as an admission, were I sitting in the opposition, I would never vote for a time allocation motion. That's strictly the role—

*Interjection.*

**Hon. Mr. Bradley:** I've got that right, says my friend Norm on the other side. I don't expect that to happen. The roles we play in government—let me tell you something: The role the opposition plays within a democratic institution such as this is a significant role. I know some days you may think the government is not cognizant or respectful of the role, but particularly those of us who have served on the other side of the House for some period of time are very respectful of that.

I don't expect a ringing endorsement of this particular motion this evening. In fact, I expect that there will be some considerable criticism. But perhaps I'll be wrong. Who knows? I hope, for people who watch this, they

understand that that is the role the opposition is going to play. If an opposition member got up in this House and said they were in favour of an allocation of time for a specific piece of legislation, I would be very surprised. I don't criticize the opposition for that. That's a role they have and a role they will play in a very robust fashion. Those of us in government will play a different role, and we hope that, during the time allocated for committee and hearings and the other debates and the questions in this House and statements that are made in this House, we will have some considerable input.

I really look forward to my friends opposite and my friends on this side of the House having their say on all of these issues. I think we have an opportunity tonight with this motion to focus the debate. I have a hard time saying that without a smile on my face, quite obviously, because I can remember that when I sat in the opposition benches, it wasn't a smile on my face that I had in those circumstances. But people should know that the opposition in the House plays a significant role. I can remember—this is a confession, I have to say to my friends on the government side—there were times when I was actually hoping for government to bring in a time allocation bill to finally end the debate. I know none of you are thinking that now, but I actually used to hope for that sometimes.

So I look forward to some very positive comments this evening on this motion. Sometimes the Speaker is tolerant if you leave the motion itself and get into other matters related to the bill itself. I can't speak for the Speaker, but I have seen Speakers in the past who are somewhat tolerant of that in this kind of debate. I wouldn't be presumptuous enough to assign that to our present Speaker.

So that is the motion we have before us this evening. I'm looking forward with anticipation to a very positive and robust debate this evening and then the vote that takes place, which I think will not provide any surprises for me at all.

**The Speaker:** Further debate?

**Mr. Robert W. Runciman (Leeds-Grenville):** I appreciate the opportunity, and I appreciate the contribution of the government House leader to the debate. He's one of the deans of the Legislature and certainly knows this place as well as anyone. He has been a witness to and a participant in some of the rule changes that have occurred over the past 28, 29 years by all three governments that have restricted the options available to members to a significant degree. It's interesting; I'm sitting beside the House leader for the NDP, the member for—is it Welland-Thorold?

**Mr. Peter Kormos (Niagara Centre):** Sure.

**Mr. Runciman:** He and I participated in a debate some years ago. I was a member of the third party then; he was in the official opposition. It was a debate on auto insurance in Ontario. Of course, as we know, that was a huge issue for his party.

**Mr. Kormos:** And we were right. Both of us were.



**Mr. Runciman:** It was an issue for us as well. I happened to be at that point in time the critic for that area, as was the House leader for the NDP. At that point in time, we were allowed to speak forever and a day. I believe Mr. Kormos spoke for how many hours?

**Mr. Kormos:** A long time.

**Hon. Mr. Bradley:** Seventeen.

**Mr. Runciman:** Seventeen hours.

**Mr. Kormos:** Seventeen and a half.

**Mr. Runciman:** Seventeen and a half. That was quite an accomplishment.

When people are listening to this, they say, "How could he? He had to go to the washroom," and things like that. But there were ways you could get around that: a quorum call or move adjournment of the debate. There were tricks of the trade, if you will, where you could get out and powder your nose or comb your hair or whatever you had to do. I was the critic, and I didn't come anywhere close to Mr. Kormos's contribution, but I spoke for over seven hours. So that gives you an indication of what we were able to do in years gone by and have some impact on the decisions of the government of the day.

Of course, now it's been dramatically tightened up. We have obviously what we're talking about here this evening, time allocation, but even in the normal rules, when we have to discuss issues in this House, the critic and the minister, or his supporters or colleagues, are allowed an hour, and each of the opposition parties have one hour in terms of leadoff, and then 20 minutes, and that's limited to a certain amount of time. Then we go into 10-minute rotations. So very, very limited opportunities.

I know we've all talked about the increased time devoted to third readings compared to the past. One of the reasons for that is the limited time we have to participate in debate compared to what used to be the case in this place. So we have to take those opportunities for lengthy second reading debate, perhaps lengthier committee hearings and longer time to go into third reading on contentious issues. Certainly, what we're talking about here this evening is a very contentious issue, Bill 102.

The government House leader is a good fellow, as we all know, and I like to think of him as a friend. He gets up in his place and says, "You know, I don't like doing this. I don't like punching you in the nose, but somebody's telling me to do this. It's not something I'd be doing if I had my druthers." But the reality is, for the people viewing us this evening and don't quite understand what we're talking about, this is important legislation which, in our view, is going to significantly reduce the viability and sustainability of many pharmacies in Ontario, especially in small-town and rural Ontario.

1910

What the government has opted to do, rather than extending the debate on this legislation, is to bring in effectively a form of closure. They are, in a very prescriptive way, defining the time in which we can continue debate on this legislation. They're setting out the amount of time very specifically for committee for

public hearings and clause-by-clause, and very specifically for a very limited amount of time for third reading debate.

For the folks who are watching this and may not have any understanding of the bill or perhaps any real interest in the bill, what's happening here is that on a very substantive piece of legislation that is going to affect virtually everyone in this province at some point in their lives, we are having debate shut off and closed down by the government through what we call a time allocation motion. That's essentially what we are talking about here this evening.

I want to put a few things on the record about the legislation. I think I started at 35, so I'm suffering under one of these time limitations myself. I represent an area that has a lot of small towns with one pharmacy, in Elgin or Westport, very small communities, that is really the only health centre for most of those communities. They may not have, and most of them don't have, a doctor so it is the medical centre for that smaller community. What they're doing here essentially, through this legislation, is reducing the viability, the sustainability. We're going to see one to two out of 10 pharmacies in Ontario close over the next few years as a result of this legislation. That's going to be extremely harmful to small-town rural Ontario. It's another indicator of this government's approach, not just to this particular legislation but generally.

I've said in this House that they've written off at least 20 rural seats. They're not even making an effort to appeal to rural Ontario, and this legislation is another signal they're sending. I've told the members here that they should stand up and start expressing concern about a lot of the initiatives this government undertakes that hurt small-town rural Ontario, but they've fallen prey to the whip and the powers of the majority government and are not doing what they should be doing.

I've witnessed this happen over the years. I've stood here in opposition and said this to members of former governments, and they laugh, they smile and then they're gone. If you look at the average tenure in this place, it's something like four and a half or five years. We know, after the last election, they are going to suffer losses. Even if they continue to form the government, they're going to suffer losses and they have written off those losses in rural, small-town Ontario. Essentially that's what they've done. If we look at their budget, focusing on Toronto, if we look at initiatives like this, if we look at what they're trying to do in farmers' markets across the province, they have really written off rural Ontario and are focusing on the seats they think can continue to maintain them in majority government. It's truly regrettable.

I'm looking to my whip. I think I've done my time. I can keep going? Good. Another six hours then.

I find it amazing—being around this place for as long as I've been around and the government House leader—that people would want to heckle what I'm suggesting here with respect to the government's decision. You get



people in the corner office, people who are unelected, who are devising this strategy to hopefully get the Liberal Party re-elected in government. They've made very conscious decisions with respect to what they're going to focus their resources on. Their priorities are maintaining that core around the city of Toronto, the major urban centres, and writing off essentially rural and small-town Ontario. I think that's truly regrettable and harmful. We're seeing that harm done on an almost daily basis in rural Ontario.

I'm getting feedback from my pharmacists on this legislation. I hope the minister for rural affairs is getting feedback as well from the small towns and villages, from the pharmacies that operate in those communities and that are so important in terms of being the sole health care provider in so many.

I regret that we're facing closure on this. I think it is an extremely important piece of legislation. I think it's essentially designed to save the government money: if you look at the budget this year, \$300 million reduced from this program for half a fiscal year. So I think you could extrapolate that and suggest it's \$600 million for a full fiscal year. The people impacted by that are essentially going to be older people, primarily seniors. We have an aging population in this province, so we are all ultimately going to suffer as a result of this cost-cutting measure by the Liberal government of Ontario and the fact that they are forcing this through the Legislature without adequate debate, adequate scrutiny by the great number of Ontarians who are going to be adversely affected over the coming years.

**Mr. Kormos:** It's with incredible sadness and regret that I speak to yet another time allocation motion, a jack-boot motion, a guillotine motion, this time proposed by a government that wants to speak of itself as the government of democratic reform. Well, we're witnessing some reform, all right. It is the direct attack on debate and public consultation around a piece of legislation that's being passed off by government sycophants as being somewhat innocuous and just run-of-the-mill, when I say to you there's some very dangerous stuff in this bill for the folks of Ontario.

While I have regard for and listened carefully to the comments of my colleague Mr. Runciman, I disagree with him when he speaks of this as a cost-cutting measure, because I predict—let me tell you, when you think about what's going on here—that at the end of the day the drug companies are going to make huge profits, as if they weren't doing well enough already. Mr. Runciman, think about the wining and dining and lobbying that's going to be going on. There's going to be a line-up outside Harbour Sixty, that high-priced steakhouse down there near the waterfront; Scaramouche is going to be booked for months ahead; Truffles up there by Yorkville Avenue, where rich Liberals and the David Peterson types and the Greg Sorbara types spend their pin money on \$150, \$200, \$300 dinners.

**Mr. Runciman:** They should be going to Bigliardi's.

**Mr. Kormos:** I'm going to get to that, Mr. Runciman.

Let me tell you lobbyists, rich pharmaceutical companies, as you're bending the ear of the pharmacy czar, the drug king that this government is going to appoint, please, if you want to deal, go to George Bigliardi's over on Church Street. You'll get as good a steak as at any of those other joints. You'll get some of the best service in town, one of the finest ambiances, and if you want to bet a couple of bucks on the ponies after dinner, you can slip next door and do so. But I've got a feeling that the big drug companies are going to be doing their wooing and seducing at some of the most expensive places. At the end of the day the consumer pays for that, every penny of it of it. They do.

This bill is consistent with the two-tier health/drug program that one Minister Smitherman, like George of the Jungle, has been pounding his chest about over the last couple of days, to no real avail, because the opposition has been tearing strips off him on a daily basis and exposing the nakedness of his two-tier health system proposal. You know the one I'm talking about, where rich folk can buy any health treatment that they can afford, while the rest of the people of Ontario, hard-working Ontarians, live with Smitherman's second best, whether it's in long-term care—we've been talking about that lately, Mr. Bradley, long-term care, talking about good folks, our folks, our grandfolks, sitting uncared for in facilities across this province. This government promised \$6,000 a year in new investment per resident in long-term-care facilities to increase the number of health aide staff available to that long-term-care resident, and this government hasn't delivered.

#### 1920

We've heard stories of folks getting one bath a week, and that's in a good week. We've heard stories of folks not being taken to the toilet, having to soil themselves, because the staff simply don't have enough time because this government, Dalton McGuinty's government, the Liberals in Ontario, didn't keep their promise to invest \$6,000 a year in the folks in our long-term-care facilities. We heard the tragic story of one woman sitting on the toilet, ringing and ringing and ringing because she was finished, waiting for long, painful minute after long, painful minute till it passed well into over half an hour, waiting for somebody to help get her up off that toilet. That's the kind of disdain you demonstrate for seniors in this province.

This little drug package of yours is part and parcel of the same thing. What this drug package says and does is that your doctor won't be able to prescribe the pharmaceutical drug that he or she thinks is best for you. Don't give me that baloney about, "They're all the same." There isn't one of us who hasn't—at least I hope there isn't—in our constituency offices had reports. One of the examples is folks with bipolar. That's one of the illustrations that I am personally familiar with because we've talked to several people down in my community where I personally have dealt with their cases, and there is any number of lithium-type medications—the doctors here can correct me if I'm wrong—that treat bipolar. If it's



properly treated, folks can function and live really well, but if it's not properly treated, all hell breaks loose—you know that—and lives are destroyed.

Just from the experience in our office, because many of us have submitted the request—you're familiar with that, Mr. Miller, the request you've got to write when you're trying to get special dispensation for a constituent to get a drug that isn't on the list, because some bureaucrat says, "Oh, well, it's the same drug. Don't worry about it. We're only going to permit the doctor to prescribe"—more importantly, the doctor can prescribe anything he wants, but the pharmacist is forced, police-state style, to substitute what the government dictates. We know that many of these so-called substitutes don't work as well for that particular patient as does the drug that was prescribed by the doctor.

If you folks don't care about talented, incredibly hard-working doctors in this province, if you don't respect them and their judgment, well, just say so. Don't go knocking on the back door when you can be barging through the front door. If you don't trust doctors, if you think they don't know what they're doing, just say so. Because that's what this bill does. This bill says to doctors, "You don't know what you're talking about when you prescribe drug a, b or c," because the bureaucrat, the drug czar, the pharmaceutical king accountable to the Minister of Health—not accountable to the Legislative Assembly; accountable to the Minister of Health—is going to substitute his or her judgment instead of the doctor's.

I don't like time allocation motions. I don't like them. I don't like the governments that introduce them. If it weren't for my long relationship with Mr. Bradley, I'd be hard-pressed to like the people who move them. They are despicable things. Look, this government talks about this bill having been debated? Well, take a look at this, because I checked out the numbers. A bill as fundamental as this has had less than seven hours' total debate. You call that thoroughly debated?

Let's talk about who participated in the debate. I'm not talking about the little backbenchers who stood up and whimpered their two-minute questions and comments, I'm talking about people who participated in the debate. I've got a list of them. Only two New Democrats have been allowed to participate in this debate, only three Conservatives have been allowed to participate in this debate, and only four Liberals. I'm not talking about the little two-minute blah, blah, blah so you get yourself on the record, so somehow you can put something in your householder and send back home around the folks in your neighbourhood. It ends up in the blue box anyway: Don't spend the taxpayers' money.

Only four Liberals had the gumption, the courage, the conviction to stand up and talk about Bill 102, and do you know what? I read a big chunk of their comments. What they did was read the Coles Notes that the whip's and House leader's offices send to them via e-mail—you know, the cheat sheets, the stuff that got you expelled from high school or college if you tried using it then and

there, the sort of stuff that wasn't necessary for people who didn't want to think for themselves, the sort of stuff that made it unnecessary to even read the bill.

**Hon. Mr. Bradley:** Weren't you a rebel in high school?

**Mr. Kormos:** Mr. Bradley makes reference to a long-time-ago high school career of mine which was, to my credit, very short-lived. I take great pride in not having spent a whole lot of time in high school.

Only four Liberals have spoken to this bill in any meaningful way, using 20-minute slots. It's not a whole lot of time to talk about the seniors in your community. It's not a whole lot of time to talk about people in your community who are under the care and need the care of doctors. It's not a whole lot of time to talk about doctors in your community who are being undermined, short-changed, having the rug pulled out from underneath them with Bill 102.

Mark my words, there is going to be some sweetheart deal struck between the drug companies and the new drug czar, the pharmaceutical king. These deals will be sweetheart deals. These deals will result in, "Oh, I know what the minister has to say about it. Jeez, Lord love a duck, I can't believe what he's got to say about it." But you see, we don't believe these people anymore. Were you here last night, Speaker? Remember, we were talking about Bill 11? Let's talk about Bill 11. I reflected on the fact that these Liberals are the people who promised to maintain a cap on hydro and control hydro prices so that they were affordable, so we wouldn't lose jobs across the province. They didn't keep that promise. We can't trust a word they say about hydroelectricity, can we?

**Mr. Jeff Leal (Peterborough):** They don't.

**Mr. Kormos:** "No," Mr. Leal says. Mr. Leal is now in Hansard. Very good, Mr. Leal. You're one clever one, all right. So we've got Mr. Leal on side, agreeing that the government didn't keep its promise. Let's see who else from the Liberal backbenches we can draw forth with a little bit of candour. Madam clerk from Hansard, you're keeping a record of this stuff, huh? Bless you, madam clerk.

You can't trust the Liberals when it comes to hydroelectricity, the prices and jobs. What, 110,000 jobs lost in 13 months? Mr. Martiniuk—110,000 jobs in 13 months. And these are good jobs; these aren't the McJobs. These are manufacturing jobs. These are wealth creation jobs. These are value-added jobs. Many of them were unionized jobs. They were jobs where people worked hard, but they made some fairly decent money; they were jobs where people worked hard but had some fairly decent pensions; they were jobs where people worked hard but had some good health benefits; they were the kinds of jobs that allowed families to send their kids to college and university—110,000 gone because of Dalton McGuinty's electricity policies, his privatization of electricity in Ontario and the additional cost that that brings inevitably to the price of electricity, not just for industry but for homeowners as well.



Dalton McGuinty and the Liberals promised that they'd extend IBI treatment for kids with autism beyond the age of six. Do you remember that one? Remember that, Mr. Dunlop?

**Mr. Garfield Dunlop (Simcoe North):** Yes.

**Mr. Kormos:** Did they keep that promise? Nope. You can't trust what the Liberals have to say about kids and IBI treatment. You can't trust what the Liberals have to say about kids with autism—kids struggling, quite frankly, for their whole futures, and their families struggling alongside them, families going broke, families mortgaging their homes, families selling their homes, families maxing out their credit cards, families borrowing from every friend, neighbour, person they can put the touch on to pay for one more month of treatment. They're forced to because Dalton McGuinty and the Liberals didn't keep their promise to kids with autism.

1930

Dalton McGuinty and the Liberals promised that they would end the child benefit clawback of \$1,000 to \$2,000 a year for a mom and kids, the poorest moms and kids in the province. They Harnicked again. The McGuinty Liberals Harnicked again when it came to their promise to roll back the child benefit. They Forded to thousands of families. That's Ford with a capital F, Hansard, just as Harnick is with a capital H. Dalton McGuinty and the Liberals Forded to thousands and thousands of moms and their kids. You can't trust what Dalton McGuinty and the Liberals say about taking care of the poorest kids, kids living in poverty in our province. Dalton McGuinty and the Liberals Harnicked again when it came to persons with disabilities.

*Interjection.*

**Mr. Kormos:** What? One 3% increase in disability benefits over the course of three years? When you take the cost of living, heck, you guys all picked up—what was it?—a 2.2% automatic salary increase. What was it?

**Mr. Runciman:** It was 2.1%

**Mr. Kormos:** It was 2.1%. Come on. You guys enjoyed a 2.1% salary increase, boom, like that, without even asking for it. People on disability pensions got zip. For people on social assistance who got cut 21.6% over 10 years ago, not a penny, but for MPPs at Queen's Park, where the minimum wage is—what is it Gerard Kennedy is making for not being here?

**Ms. Lisa MacLeod (Nepean-Carleton):** Some \$89,000.

**Mr. Kormos:** Some \$87,000, \$88,000 or \$89,000 a year. Gerard Kennedy, in case people forgot, is the fellow from Parkdale-High Park, the purported member from Parkdale-High Park, as rumour has it. "Vive le Québec," he says, as the elected representative of Parkdale-High Park goes shopping with some real estate agent in Westmount or wherever it is in Montreal that he's going to move his spouse and kids to. I hope he doesn't submit mileage for all that travel to British Columbia, New Brunswick, the east coast, the west coast, the Rockies. Heck, he's still submitting his salary request

and he hasn't been around for a couple of weeks at least, if not more.

**Interjection:** Fifty-two votes.

**Mr. Kormos:** He hasn't been here since 52 votes ago, I'm told. Is it arrogance? Is it pomposity?

**Mr. Runciman:** Liberal pomposity.

**Mr. Kormos:** Mr. Runciman says.

**Mr. Dunlop:** The proof is in the proof. Tell Dingwall.

**Mr. Kormos:** Mr. Dunlop says.

Gerard Kennedy, MPP for Parkdale-High Park, still collecting an MPP salary of—how much is it?

**Ms. MacLeod:** It's creeping.

**Mr. Kormos:** The member for Nepean-Carleton says.

He's still got an office here at Queen's Park, still got an office down in High Park, still got the perks, still got the dental plan, still got the drug plan. You see, he doesn't have to worry, the member for Parkdale-High Park, who hasn't been here for 52 votes, you say, Mr. Runciman. Fifty-two votes.

**Mr. Runciman:** Consecutive votes.

**Mr. Kormos:** "Consecutive votes," Mr. Runciman says. He keeps track of those sorts of things.

Let me tell you, friends, I can tell you very personally that absence does not make the heart grow fonder. Mr. Kennedy's absence has not endeared himself. Don't the people of Parkdale-High Park deserve a working MPP? It's one thing to take off for four, five, six weeks to Cuba like Mr. Kennedy's Liberal colleague. It's another thing to go gallivanting across the province trying to pursue your own personal political ambitions when you don't even intend to keep living in Ontario, when you intend to relocate in Quebec because you figure it's to your political advantage. Some say hubris; I say that arrogant sense of entitlement. "Because I can"—that's why. "Because I'm better than those taxpayers."

The folks who are going to be denied the prescription drugs their doctors prescribe for them—unless they've got the money, unless they can reach into their wallet, unless they've got the hard, cold cash, they're going to get what the government says they get. That's what Bill 102 is all about.

To suggest that somehow this bill has received anything akin to thorough debate after less than seven hours of consideration, and when only four Liberals have stood up and utilized full speaking slots—good grief, even with no Kennedy here, there are dozens of you. You'd think you'd be proud to stand up and speak up and explain why you're voting for Bill 102, why you're putting the shaft to seniors in your community, why you're undermining doctors, why you're going to be cutting big sweetheart deals with the biggest of the pharmaceutical companies—because mark my words, it will be the biggest of the pharmaceutical companies that will be able to cut the deals. Boy, those skyboxes over at the Air Canada Centre are going to be busy. The partying, the clinking of champagne glasses as the pharmaceutical lobbyists work over the new drug czar and his or her staffing bureaucracy are going to drown out Rob Ford. Well, it will.



Inevitably, I can just see it now—remember, when you were a kid, on the back of those comic books you could buy those X-ray glasses where you could see through things? I never sent away for it. We didn't have any money when I was a kid. But I used to read the back of those comic books where you could buy those X-ray glasses. I can just see it now. There will be the czar, there will be the big, fat guys in the \$2,000 suits. Cordiano will send them to his tailor.

**Mr. Runciman:** He doesn't pay for them.

**Mr. Kormos:** Neither do they; the company pays for their suits; Cordiano's riding association pays for his. Come on. Bob, we're on the wrong track here.

So the big, fat pharmacy company guys, the big, rich ones up at the Air Canada Centre, Rob Ford babbling and vomiting in the box next to them, but being drowned out by the popping of champagne bottles and the clinking of the Waterford crystal—what do you call those? Flutes, right?—as the deals are being cut, and there will be Steve Mahoney saying, "But the WSIB has an interest, too. Pour me another one."

Steve Mahoney. You remember him, Speaker? An incredibly qualified Liberal hack. Unemployed Liberal; double dipper; two pensions. Steve Mahoney has got a provincial MPP's pension. He didn't vote for a defined contribution pension plan the way my good friend Jim Bradley did. Mahoney didn't vote for the defined contribution plan the way Mr. Runciman did. Mahoney got out when the getting out was good, when they had a defined benefit pension plan, well funded by the taxpayers of Ontario. And then to boot—because he's a Chrétienite, make no mistake about it. It's one thing to be a Liberal hack, but to be a Chrétien Liberal hack gives you a little more baggage. That's when the porter charges you 20 bucks to carry your luggage, because that's a lot of baggage. That's two-fisted baggage. A Chrétien Liberal hack.

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He then heads off to Parliament Hill—far be it from me to criticize short terms in cabinet, but as a mere junior Secretary of State, he's dismissed promptly once Martin takes over. And then Carolyn Parrish beats him. I'm sorry; of all the embarrassing things, of all the shameful things—I mean, just bury your head. It's a double-bag situation. Don't show your face. Carolyn Parrish beat him. Steve, take the pension and pick up the balance of the lease from Ruprecht's shack down in Guanabo. Just go. But no; he'll be lined up at that Air Canada Centre. Runciman and I will be outside begging scalpers for tickets at half price because the game's half over, but no, they'll be at the front of the line.

Gerard Kennedy will be somewhere in Quebec in front of the big-screen TV with the French subtitles, right? Because he wants to learn French. He'll say "Ontario. Ontario." But then one of his family members will say, "Well, no, dear, that's what it says on your cheque that you get every month. The \$1,600 a week that you make even though you haven't shown up for work"—for 52

consecutive votes, Mr. Runciman says. Far be it from me to doubt Mr. Runciman's word.

Surely we've got enough time to debate important bills until every person who wants to has had the opportunity to speak to them. I'm not suggesting that we wait until Gerard Kennedy shows up. That would trigger time allocation in anybody's mind. It would have to be after December 2 before that would happen. So I'm not suggesting we wait till Kennedy shows up to speak.

But we're going to sit through to June 22, aren't we, Government House Leader? You see, I have a copy of the standing orders here, which prescribe the calendar for the Legislative Assembly. I know what folks expect. Folks expect us to sit through to June 22, which is the statutory calendar date. How long a summer vacation do folks need? Kennedy started his 52 votes ago. Mahoney has grabbed the brass ring. He'll be on vacation for the balance of his term as—what is it?—chair of the—

**Mr. Dunlop:** WSIB.

**Mr. Kormos:** WSIB. Steve Mahoney, that great advocate for workers, especially injured workers. Mr. Wrye remembers. Mr. Wrye remembers Mahoney's paper on workers' comp so-called reform. Mr. Wrye remembers. Mr. Wrye's a former member of the Legislative Assembly. He has great experience here: Bill Wrye, a former minister. Why couldn't the Premier's office have asked experienced people like Bill Wrye before they appointed Steve Mahoney? Because Bill Wrye would have been able to give the government some insights. Quite frankly, Bill Wrye would have made one heck of a superior chair of WSIB. He's a person with talent. He's educated. He's skilled. He's demonstrated an interest in the matter. He took his job seriously while he was here. He's been a dedicated public servant. While I presume he's still a Liberal, although I can well imagine there are evenings when he lies in bed wondering why, he's certainly not a Liberal hack. You see, patronage in and of itself isn't the worst thing in the world. I remember Judy LaMarsh once many, many years ago saying that patronage is the grease that oils the gears, but patronage without competence is never right. But think about it. That's hard-core, old-fashioned pork-barrelling. That scraping the bottom of—

**Mr. John Wilkinson (Perth-Middlesex):** You've got Bob Rae to do the review.

**Mr. Kormos:** Somebody says, "You've got Bob Rae." That's what I said: It's old-fashioned pork-barrelling. And I'll go you one further: That's scraping the bottom of the barrel.

There you go, with an important job like chair of the WSIB. Glen Wright—and I've got to say this—the Tory appointment, with a strong business background—there were some of us who went, "Oh, yikes." But Glen Wright from time to time scared the daylights out of the Tories. I have a lot of regard for the guy. He had experience, he was talented, he was creative. He contemplated, for instance, 100% worker participation in the payment of WSIB fees. Right?

**Mr. Runciman:** That's right.



**Mr. Kormos:** Scared the daylights out of the Tory cabinet, didn't he? Not so much them, but out of the business world. The banks almost swallowed their bubble gum. Well, they did. They didn't know whether to spit or go blind. You know, yikes. Banks paying into WSIB? Call centres like—Canadian Tire Acceptance in Welland is now our largest single employer, and I don't begrudge a single one of those jobs. But because it's a financial institution, over 600 workers, there's no WSIB coverage. Look, I'm not suggesting that ingots of hot steel are falling on people in the call centre, but one of the biggest problems of course—many of you know; you can talk about RSI, repetitive strain injury, is the ergonomics, the ergonomic problems, and carpal tunnel—and inevitably, the people who suffer it are in their 40s, dare I say it, 50s, where the likelihood of them finding new jobs is pretty diminished. And carpal tunnel—you've surely encountered it, perhaps in your own lives or in your families or with constituents—is an incredibly painful, disabling phenomenon. From time to time, stupid people make light of workers' injuries. I've heard some of the jokes myself. But it's an incredibly disabling injury. So in a call centre where people are working at keyboards day after day after day after day, it's one of the more frequent injuries, like other RSI and ergonomic-related injuries, and there's no WSIB.

Is that fair, Mr. Craitor? You're a former member of the Niagara Falls labour council. You tell me. Is that fair that workers like workers at call centres and in banks shouldn't be entitled to WSIB coverage? Mr. Craitor, is it fair? Is it fair, Mr. Craitor? I don't think it is. Because, you see—oh, of course. They can sue the employer, right? Because if you don't have WSIB coverage, you can sue. Oh, yes, please. Please. What are you going to do?

Michael Bryant: access to justice. Oh, yes, sure. Cut me some slack. Give us a break. He'll come knocking on your door, should there be a Staffordshire terrier that happens to look like a pit bull in a pen in the backyard. When it comes to access to justice, we've had zip. Think about it. I just happen to have thought about that, Speaker. There is nothing in the course of three years by this Attorney General that has improved the ability of folks—plain folks, ordinary folks, just plain old hard-working folks—to access the court system. Not a thing. And indeed even Bill 14, should it pass in its present form—oh, that's a scary thought—isn't going to do a single thing to enhance or increase access. It's the workers, like workers at call centres or banks suffering from repetitive strain injuries, they're—down where I come from, we call it SOL. It's game over. That's it. You're finished. That's the remarkable thing.

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I was at Paul Turner's class over at Notre Dame school the other Friday night and a group of his social justice students literally sleep out in cardboard boxes and bags and so on in a one-night experiment, just to identify, show empathy and some effort to understand the plight of homelessness. I was talking to those students, an incred-

ibly bright group of kids over at Notre Dame Catholic high school in Welland, Notre Dame College School. One of the things I had occasion to explain to them—and Mr. Craitor knows; he's seen it—is that you can have a hard-working, middle-class kind of worker who can go from a middle-class lifestyle to welfare within a period of one year: up on a ladder cleaning your eavestroughs, take a fall, suffer a head injury. It's not a workplace. And even if it were a workplace, if he worked at a bank or a financial institution, you wouldn't have workers comp anyway, would you, Mr. Craitor? But a fellow or a gal on their ladder, cleaning the eavestroughs, something most of us have done on a regular basis, takes a fall, has a head injury. Employment insurance? Paul Martin raided it, gutted it. He did. The Liberals did. Within one year that worker could be on welfare—middle-class lifestyle to welfare within 12 months.

The stress on the family is incredible. Families break up, wives leave husbands, husbands leave wives. You see, these are the moms and children on assistance whose child benefits are clawed back by Dalton McGuinty's Liberals, so they can never get ahead. The guy with the head injury, well, physiotherapy is no longer covered by OHIP, is it? Dalton McGuinty and the Liberals delisted—privatized—physiotherapy.

A single person, a single male on social assistance, welfare, doesn't get enough to buy himself a crummy room in a flophouse. That's how you get people who a year ago were living middle-class lifestyles, paying taxes, buying things, which makes the economy work—in the process of one year you can have women living in poverty with the kids, with this government picking their pockets for their child care benefit, and a fellow living on the streets of Toronto. He may drink from time to time, when he can panhandle enough money to do that. By God, if anybody deserved a bottle of Four Aces, one of the cheapest things I recall you can buy in a liquor store, it's that guy whose life has been destroyed in the course of 12 months.

**Hon. Mr. Bradley:** Ninety-nine cents a bottle at one time.

**Mr. Kormos:** Ninety-nine cents a bottle at one time, Mr. Bradley recalls. What was the code number, Mr. Bradley?

**Hon. Mr. Bradley:** It was B58.

**Mr. Kormos:** So he says. What's that line? He started out on burgundy but soon hit the harder stuff.

These are not pleasant things, time allocation motions. You know what? I was here last night. The government made a big to-do about a motion to sit in the evenings.

Mr. Bisson is going to want to speak for a few minutes. I know he's in his office paying close attention to the clock. I've only got 11 minutes left. He may be occupied on the phone or doing emails. He very much wants to speak to this matter. I don't know whether he'll be able to make it up here in time, but if he doesn't, understand that he's busy working in his office.

But here it was yesterday, once again, the government saying, "Oh, much to do. We've got to sit evenings." But



check the Hansard from last night. How many Liberal speakers were there? Zip, zero, nada; not one of them. And this was Bill 11, again, a very important piece of legislation. And it's not as if they had to go out of their way, because, as I said, they all had their cheat sheets, they all had their Coles Notes; they all had their scripts. I suspect they also had their marching orders. Oh, we're going to sit until—tonight we are, because it's a time allocation motion. Time allocation motions are to be spoken—at least we're going to speak through the full one third of the time allotted to us. We're not going to let this opportunity slip by, slip through our fingers.

But not a whisper from the Liberals in yesterday evening's debate. What's the matter? Cat got your tongue? Or were you anxious to get out of here because you didn't want to work? Were you anxious to get home to your little—I guess not so little—big La-Z-Boy chairs with the stick shift on the side so you get your feet up and get the hockey game or the baseball game, what the heck, or Cagney & Lacey, whatever it is you guys spend your time doing when you get home at night, idling away time when you could be speaking to important legislation here.

There I was with Howard Hampton and Shelley Martel, and the three of us were carrying the debate. There were the three of us. I spoke. I had but 10 minutes on an issue about which I have received a whole lot of letters and phone calls from folks down where I come from. I spoke specifically about the wilderness areas, the wilderness parks, places like Quetico. Shelley, of course, spoke. Shelley Martel from Nickel Belt is one of the hardest-working members of the Legislature. Howard spoke, because Howard has some incredible expertise in that area, especially when it comes to issues around aboriginal rights and treaty rights, First Nations rights and those communities.

I say to you, Speaker, that New Democrats are voting against this time allocation motion. It's an offensive, repugnant thing.

I recall when the government House leader would stand here and rail against time allocation motions. I recall when Liberals like Dalton McGuinty, a back-bencher, would stand and rail against time allocation motions, speak of them accurately as undemocratic, unfair and contrary to full and democratic debate. Well, I say to you, New Democrats aren't going to support this time allocation motion, and we condemn this choking off, this guillotine of debate around so important an issue.

My colleague Mr. Bisson has been able to break away from his computer and his e-mails and his telephone calls, and he will be addressing this motion in due course, before the evening is over. Thank you kindly, Speaker, but no thanks to McGuinty's Liberals.

**Mr. Kevin Daniel Flynn (Oakville):** It is a pleasure to join the debate tonight. Certainly, as a newcomer to this place, having only come in the last three years or less, it's interesting to hear some of the more senior speakers and their approach to things.

I come from the council arena, and in the council arena, you're supposed to make a point and sit down, you're supposed to speak to a motion, and you're supposed to do business on behalf of the people of your constituency. There's a little saying that goes around local councils and regional councils: If you can't say something in 10 minutes, you haven't got anything to say. That's how so much business gets done by the hard-working men and women who serve this province at the local level, who aren't in love with the sound of their own voices, who really want to do something for the people of the province and who understand that it's the issues under debate, not the process, that are going to make the changes in people's lives in this province.

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Listening to the previous speakers, I think the House leader gave a very balanced introduction to what we'll be dealing with this evening. Then I listened to the leadoff speaker from the Conservatives, the member from Leeds–Grenville, and we've just been entertained by the leadoff speaker for the NDP on this issue, the member for Niagara Centre. To listen to those two speakers, you'd think the Liberal government was obviously up to something that was no good. So I took a look at what previous governments in the past had done when they had an opportunity to deal with an issue in a certain way.

**Hon. Mr. Bradley:** Tell us.

**Mr. Flynn:** Well, since we've been in government, we've introduced 90 government bills. We've already passed 68 of those bills, and we've only had to time-allocate 12 bills. That doesn't give you any terms of reference until I tell you about the other parties. Let's take 1999 to 2003, for example, with the Harris-Eves Tories. They used time allocation motions on 67 of the 110 bills that were presented before this House: 61%. In eight years, the Tories never had more than three days of debate on any second reading on any bill, ever.

The NDP must have done better. I listened to the previous speaker and he told me how the NDP would just not stand for this, would not tolerate it. When you look at the record, they actually set the trend for time allocation motions. When they took office, they outdid the previous government, the Peterson government. They didn't double it; they didn't triple it. They outdid the previous government five to one. There were five times the number of time allocation motions.

When they did the classic move where they ripped up the collective agreements across this province of Ontario, there was absolutely no time at all allocated for third reading debate. There were absolutely no public hearings either when the NDP raised the gas tax 3.4 cents a litre—no public debate, no public hearings.

So to stand here as a member of a government who's quite proud of the health care record of this government and be preached to in that manner is something I don't think any member of this House has to tolerate.

The record is very clear. For those people who are at home tonight watching this on TV, the record is clear. This is not a government that likes to use time allocation.



It's a government that would prefer not to use time allocation. But the question must be asked of the opposition parties, why are you holding up the process? Why are you holding up the process when we know people in Ontario need better and faster access to drugs? They want a voice in the drug care system. They know that the government is not getting the value it should be getting when it's expending over \$3.5 billion on behalf of taxpayers in Ontario. We know we need to collaborate with the private sector to help employers manage drug costs, because we know that that is economically a very advantageous thing for the economy of this province.

Despite being entertained for the past hour or so, I think it was a classic example of why those of us who come from the municipal sector prefer people who are to the point, prefer people who stick to the issue, and prefer a debate that's centred and focused and moves ahead quickly to the advantage of the people we're purported to represent in this House.

I am proud to support this motion. I want the consultation on this motion to continue, and I want it to be done at committee. That committee has been scheduled. Members of the public, members of the pharmaceutical industry and pharmacists themselves will be able to avail themselves of the politicians, express their views on this issue and allow us to move ahead to a much better system.

**Mr. Dunlop:** I'm pleased to be here this evening, although I didn't expect to be here on a time allocation motion. I thought we'd be here continuing debate. I actually take offence at some of the comments made by the member from Oakville, his previous comments. The reality is, in a number of the bills today that we have discussed in this House, we in this caucus have not tried to drag out debate for three or four days. A number of the bills we've debated for just two days.

However, when the now government was in opposition, you took every bill, whether it was important or not, whether it was a major bill or not, and you actually dragged it out so we had to time-allocate it.

*Interjection.*

**Mr. Dunlop:** See, he did not explain that. So if you're asking the opposition parties to take every bill to the maximum, we will do that. There's not a question. We've been trying to be fair.

This is a very important bill, ladies and gentlemen, to the citizens of the province of Ontario, and we're seeing time allocation here. We're seeing it cut off. There are a lot of people in the two opposition parties who wanted to speak to this bill, and they're not getting that opportunity. The reality is that this is not a good move on behalf of the citizens of Ontario.

But then, ladies and gentlemen, this hasn't been a good day for the government party, the Liberal Party. I think of three things, for example. One is the embarrassing display by the Premier when he was questioned on Gerard Kennedy's riding, the man who has now disappeared but is still receiving his full pay. When I heard the Premier today respond to the questions, I felt em-

barrassed to be an Ontario citizen, if that was the best we could do, having him respond that way.

Second of all, we listened to the Minister of Natural Resources today respond to the issues in Caledonia, and clearly he doesn't know what's going on in that ministry. If it wasn't for Toby Barrett, the member from Haldimand-Norfolk-Brant, updating the citizens of this province day in and day out, visiting the blockade, talking to the First Nations, talking to the citizens of Caledonia—if it wasn't for Toby Barrett, we would not have any input anywhere in this House.

Today I listened to the minister, who clearly didn't have a clue what was going on, and then I listened to Minister Kwinter. When Minister Kwinter tried to respond to the questions on how much it was costing the citizens of the province of Ontario to have the Ontario Provincial Police forces at Caledonia, he clearly had no idea what he was talking about. He didn't realize that it was costing \$100,000 a week to accommodate the OPP officers who are at Caledonia. He thinks that money just drops out of the sky. Ladies and gentlemen, the citizens of the province of Ontario, those are our tax dollars. We want to know where that money is coming from and how it is affecting all the other police services and detachments where all of those officers are being taken from so they can be at Caledonia.

I expect that the minister would know those types of answers, and he clearly didn't have a clue. He's saying, "The money's just there. That's all part of the budget." Did the minister budget this year, in that 2006-07 disaster budget, for this kind of waste? Is that what he did? He has that kind of money floating around; there's just those millions of dollars sitting there? So today I said, there's likely \$8 million that it has cost the citizens of this province so far for Caledonia, and the minister has no accountability for it, no accountability whatsoever. It's coming, ladies and gentlemen, out of all of the other detachments in this province, and it's affecting public safety and security.

So it hasn't been a good day when you take into account the Premier's comments on former Minister Kennedy, the fact that both Minister Kwinter and Minister Ramsay have no idea what's going on at Caledonia themselves, and now we've got this time allocation motion tonight that is clearly—the opposition has every reason. To try to make fun of the member from Niagara Centre I think is demeaning, because he had a lot of really good comments in his speech this evening and brought forth a lot of topics and issues that the citizens of the province of Ontario should understand when they're dealing with a government that is trying to time-allocate, particularly a bill of this importance.

You know what? All I have to do is to read some comments into the record from pharmacists. Maybe you folks aren't getting calls; maybe the people on the government benches aren't receiving any calls from their small pharmacists. But why would you care about them? You don't care about any small business person. Why would you start worrying about the pharmacists? We've seen no



reason at all for this government to actually think they believe in small business. They put them down every possible way they have. And today we're getting it again, to the pharmacist.

Here's a comment from just one pharmacist. I'm certainly not going to read the guy's name into it and I'm going to tell you why: You'll probably find some way of getting back at the guy. It says:

Dear Mr. Dunlop, "I am writing to express my concern with Bill 102 and the effect that it will have on small independent pharmacists. As it is now, independent stores frequently are unable to purchase at the best available price set by the Ministry of Health. This eats into the existing 10% allowed mark-up, sometimes eliminating it entirely. Cutting the allowed mark-up of 8% and capping it at \$25 will mean that many pharmacists will lose money stocking expensive, complex drugs.  
**2010**

"Also, I was shocked to learn that dispensing fees have increased by 2% since 1993, while inflation for that period has equalled 27%.

"With the future increase in need caused by the aging baby boomer demographic, it is important that Ontario have a strong, vibrant system of pharmacy care. I hope you do what you can to help ensure that independent pharmacists continue to be properly compensated for their contribution to the provincial health care system.

"Thanks for your strong representation of Queen's Park."

I won't mention the guy because, again, I'm afraid you'd find a way to get back at him. That's what we're hearing in this government: your hatred for small business; your hatred for rural Ontario. What have you got against small business? What have you got against rural Ontario? Why do we have to put up with this crap day after day? Why do we have to keep putting up with it? It's an assault on the taxpayer and an assault on the small businessman of rural Ontario. Ladies and gentlemen, Bill 102 is doing that tonight.

I'm really sure we're going to see all these amendments. When we go to committee, as was mentioned here earlier by the House leader, we're going to go to hearings, and I'm sure that all the recommendations coming from these small businesspeople are going to be heard.

Actually what's going to happen at committee, as each one of these people brings forth his or her comments, is that we'll make sure the small businesspeople that do come to committee hearings will get some of the comments that were brought in earlier by the House leader and by the member from Oakville, when they talk about how much strong support they have for small business and for having an open mind towards the people who oppose Bill 102. I just want to say that this has not been a good day for the Ontario government. I think it's quite clear.

Now that my colleague Toby Barrett, the member from Haldimand-Norfolk-Brant, is in the House, I just want to say on behalf of the folks I represent in Simcoe North, many of whom are Ontario Provincial Police

officers who have been dispatched to that area, that we really do appreciate his hard work and his dedication, keeping a close eye and reporting faithfully to the caucus members and to the media, and to act as a mediator, somewhat, in trying to resolve the issue at Caledonia. We know it hasn't been easy for the OPP, it certainly hasn't been easy for the First Nations and it hasn't been easy for the citizens of Caledonia who have had some negative response to this whole issue.

But I can tell you that the one person who has shown leadership in this issue, and tell the members and the citizens of Ontario, is the member from Haldimand-Norfolk-Brant. He's done an extremely good job. I'm proud to say that I sit on the same caucus as Toby Barrett. I wish we could see the same kind of leadership from the government. I wish we could see the same kind of leadership from Minister Kwinter, from Minister Ramsay and from the Premier. Do you know what it is? They're all counting on some sort of magic to resolve the problem, that somehow it will resolve itself. Meanwhile they set the Ontario Provincial Police out there as the blockade that will try to help resolve this, and the OPP are taking the blame for things. We should see leadership from the ministers' offices.

I know I haven't got a lot more time to speak to this. Four or five of my colleagues would like to speak to this bill as well.

I absolutely will be voting against Bill 102. I will be voting against the time allocation. I'm disappointed that we're seeing time allocation on this bill. It's a very, very important bill. But of course we saw it last week with Bill 81. We saw it then and we're seeing it again today. I guess what the government wants us to do is to drag every bill out to the last second so that they'll have to time-allocate everything. I don't think that's the right way. Important bills like this bill, important bills that affect our small business community, that affect our senior citizens, that affect our communities in rural Ontario, should be listened to. Everybody in this House should have an opportunity to have their comments and not have the government cut them off and end debate at such an early stage.

I appreciate this opportunity to speak tonight and look forward to other individuals, other members, speaking tonight as well.

**Mr. Peter Fonseca (Mississauga East):** In October 2003, the people of Ontario said, "Move us forward. Get us out of this mess that this opposition party, that former regime, put us in." They said, "Fix education, fix health care, fix infrastructure, fix our social services. Make sure we're moving forward, not backwards."

Listening to the opposition, to the member for Simcoe North, you would think that all they want to do is go backwards. They want to go back to coal burning; they want to go back to the spinning wheel; they want to go back to the Model T Ford; they want to go back to cave-man times. That caveman caucus over there just wants to take us backwards.



We want to move forward for the people of Ontario. It's not about the status quo. For Ontario to compete in such a competitive world today, the status quo will not do. The opposition wants worse than the status quo; they want to take us backwards. We want to move forward, and that's where the people of Ontario want to go.

Moving forward, we know that drugs, pharmaceuticals, are a big component of our health care system. We spend \$3.5 billion on pharmaceuticals yearly, and they truly make many of our lives much better, with a better quality of life. They allow people to work who maybe wouldn't be able to work if they didn't have access to certain drugs. They give us longer lifespans. They have been truly remarkable in improving the lives of people in Ontario and all over the world.

We want to make sure that Ontarians have the opportunity to access those innovative drugs that are available. We want to make sure that under our universal health care system that we have here and that we are so proud of and see as a value in Ontario, we will be able to make it better so that we don't take down the amount of pharmaceuticals people have asked us for, but allow people to have more access to many of the innovative drugs that are coming online.

To be able to do that under many fiscal constraints, we have to streamline our system. We have to make sure that our health care system is transparent—as Bill 102 says, the transparency of the Ontario drug system—making sure that we work with all our partners, but always focusing on the patient, and working with our pharmacists, working with our physicians, working with our drug manufacturers, making sure we have everybody at the table so that we can provide everybody, but in particular the patients, with the best possible system under the funding mechanisms we have.

This has happened. The consultation around this piece of legislation has been extraordinary: 250-plus experts have consulted on it. We've looked to other jurisdictions, other places in the world. We've looked to the UK, to the US. We've had well over 100 meetings with 350 people in a six-week period of time. We've met with consumers and patients and had round tables.

This government, being responsible, being one that wants to take a strong leadership role and that is here to govern, wants to make sure we do so in a way that will take us to and create a better model than we have today. That's what we're trying to do: make sure we have a model that is sustainable, that gives more access, that accesses resources we've never thought about accessing before.

Where we saw our pharmacists at one time as just pill dispensers, they are so much more than that. Our pharmacists go to school for many years. They know all about health and wellness, and they know pharmacology and how certain drugs will interact with others and how they will affect people's lives.

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**Mr. Leal:** Very talented people.

**Mr. Fonseca:** Very talented people, as the member for Peterborough has said. Therefore, we want to make sure we can access that knowledge, that expertise. What we'll be doing with that is making sure those pharmacists will be compensated and worked into a model that will allow them to help our seniors in the community, take more time with them, and be able to show them how to maybe live a healthier lifestyle, when to take those drugs, and listen to those seniors or those families in terms of how to be healthier.

Also, as we know, we have a doctor shortage in the province, which we are addressing on another front. But we want to make sure that our docs are not wasting their time filling out forms: 30 minutes at least to fill out a section 8 form. We want our docs to be able to be docs, to be able to provide their expertise and advice to their patients and then hand them over to our pharmacists or other health care professionals and practitioners in the community who can create a holistic health care experience. The only way this can be done is the way our government is doing it: by breaking down those silos, making sure we all are working in partnership with our pharmacists, our physicians, our drug manufacturers, our nurses, our nutritionists, our family health teams.

We are working toward a sustainable, universal health care system here in Ontario. That's what we're committed to. I don't know what the opposition is committed to. They're not committed to a sustainable health care system. They're committed to something else. I've heard "two-tier," "privatization"—all sorts of other things. I just know what we're committed to: We're committed to the people of Ontario and the best health care system that money can buy.

**Ms. MacLeod:** It's a pleasure to speak after this young gentleman here, who calls me a caveman. As a 31-year-old working mother, I've never in my life heard anything as disrespectful of my caucus, of my colleagues and of me. I'm going to tell you something: I could just keep giving him the rope because, my goodness, he'd do something with it by the end of the evening if he kept talking.

On more serious matters—and I understand that you have to get into hyperbole when you're so ashamed of what your government is doing by closing down debate—I assure the member opposite and the honourable member from the Niagara region that the likelihood of me actually supporting this motion of closure is about as likely as him putting on an Ottawa Senators jersey and standing up for Ontario in the Stanley Cup.

Large drug companies and large drug chains will benefit from this bill; not patients, not small pharmacies and not Ontarians. I'm going to quote CIBC World Markets, which said, "As currently structured, the changes are generally negative for the pharmacy industry, but particularly troublesome for smaller, independent players.

"As the largest player in Ontario, Shoppers will be impacted. However ... Shoppers" and others have options



available to them that “are not possible for smaller independent players.”

In my own community, and I’m not afraid to name names, a pharmacist in my community, Danny Souaid—he runs Nepean Medical Pharmacy—tells me he’s got great concerns that this legislation can seriously harm retail pharmacies, especially independent pharmacies in Ontario. He tells me that he doesn’t believe the present government understands how important independent pharmacies are to the economy, especially to Ontario’s health. He spoke to the Ontario Pharmacists’ Association to let them know that pharmacy owners have not seen a reasonable dispensing fee increase in over a decade.

He has other concerns. He believes that Bill 102 will hurt pharmacies tremendously, and he tells me that he will have to lay off employees at the end of the summer. I guess it’s caveman thinking that we actually want to stand up for the economy in our rural communities.

**Mr. Dunlop:** We wouldn’t want to do that.

**Ms. MacLeod:** We wouldn’t want to do that.

Collectively throughout the province, he believes that many jobs will be lost and wages lowered to the point where the profession will no longer be attractive to anyone considering a career in pharmaceuticals. Again, that’s just backward thinking according to the Liberal Party and the member from Mississauga East.

I’d hoped that these issues would have been addressed in this Legislature during this debate. I guess that’s not going to happen. I spoke with Barry Dworkin while I was on a radio show on Sunday in my community. Barry has an open-line program, Sunday House Call, on CFRA, and he told me he opposes this bill. He’s concerned as a doctor that when he prescribes a brand name medication to one of his patients and then he’s not able to follow through with that because they’re going to get the generic instead, he’s afraid for their safety and health and well-being.

I think more debate and more discussion is required on this issue. The government must take the concerns of Ontarians very seriously. I think it’s also very disrespectful that we’re closing down this debate after the government chose to leak a document. The McGuinty Liberals assured the public that their drug legislation was not reference-based pricing. We now have a leaked document that says it is.

Now, Mr. Speaker, if your doctor writes you a prescription for a four-door car, the McGuinty government can decide to give you a scooter or, in some cases, nothing. That’s what my leader said today. It’s what’s best for the McGuinty government in this legislation, not what is best for Ontarians. I think what we have to do is be straight with the people. We have to encourage more debate. We have to be in this Legislature respecting the people, respecting the views that are coming forward to us and allowing them to come out with their various points of view rather than ignoring debate.

I see that my time is almost up, so I’m just going to close with a quote from a member of this esteemed chamber. “Closure motions really are inherently bad for

our parliamentary system and prevent members of all political parties—government members, opposition members, third party members—from fully participating in the debates of the day. They’re designed to limit those discussions.” I really appreciate Dwight Duncan saying that for us and putting it on the public record, and that concludes my comments.

**Mr. Dunlop:** On a point of order, Mr. Speaker: I think we should give the member from Mississauga East an opportunity to apologize for his comments, especially as they referred to the member from Nepean–Carleton. I think she brought a great point out. Can we give him that opportunity? Could we ask for unanimous consent to allow the member from Mississauga East a chance to apologize to Ms. MacLeod?

**The Acting Speaker (Mr. Kevin Daniel Flynn):** Is there consent? I heard a no.

Further debate? The member for London–Fanshawe.

**Mr. Khalil Ramal (London–Fanshawe):** You look wonderful in this chair, Mr. Speaker. Thank you very much for allowing me to speak for a couple of minutes on this bill.

First, I want to commend the minister for bringing forward such a bill. It’s important for the people of Ontario. I think all the people of Ontario have now listened to us and commend the minister and the government of Ontario for bringing such a great initiative to support them and to help them, especially when we spend \$3.5 billion on a yearly basis to buy drugs. If we are able to save 10%, it would be a great way to help the people of this province, to list more drugs and to enhance the quality of drugs. That’s why I’m standing up today to support that bill.

The member opposite, the member from Nepean–Carleton, mentioned a couple of names, probably her friends, who oppose the bill. Well, that’s normal. Whatever you do in life, not all of the people are going to support you, not all of the people are going to praise you. Some people are going to go with you and some people are going to go against you. At the end of the day, you have to do whatever is good for the people, for the general people, for the public in the province of Ontario.

That’s why this bill is a great bill in order to enhance our health ability, give us extra money, extra dollars. We’re going to save taxpayers’ dollars by 10%, and this 10% is going to be reinvested back into health care to buy more drugs, list more drugs, and elicit more benefit for the people of this province and also enhance quality.

I was pleased this afternoon listening to the Minister of Health when he was talking about how we can reinvest the money. Many questions came from the opposite side accusing the government that this money is going to be diverted back into different envelopes. He very much assured the people of Ontario that every penny that is going to be saved from this bill is going to be invested in health care to list more drugs.

**2030**

Another thing: Some people were also questioning the ability—you know, the big question that similar drugs



maybe don't have the same value, the same effect. He assured people that this measure, this bill, is going to enhance the drugs. It's going to benefit the people of Ontario and give them great value for the dollars they invest in health care and drugs.

**Mr. Toby Barrett (Haldimand–Norfolk–Brant):** I appreciate the opportunity to address this time allocation motion, Bill 102, the drug system bill. I suggest that we have this time allocation partly, I feel, out of fear on the government benches, fear of any further analysis of the details of this particular legislation. This evening, we've heard of a number of time allocation motions—concern, I would again posit, from the government side that their true agenda is being exposed. I think of the LHINs debate and, most egregiously, how they ran from a debate about McGuinty's refusal to dismiss his Minister of Transportation, Harinder Takhar, for allegations of unethical behaviour.

Our leader has exposed some of the facts with respect to the McGuinty agenda on pharmaceuticals and pharmacies. We've learned over the past few days that this government intends to have bureaucrats interfere in the patient-doctor relationship, the patient-pharmacist relationship. On this side of the House, we continue to believe that professionals—doctors, for one—are better prepared to prescribe drugs than the McGuinty government.

I would like to expose some of the facts about this legislation, facts that the McGuinty government is trying to hide by once again cutting off democratic debate. I too would like to make reference—I'll take an excerpt from a letter I received. It's from a local pharmacist. It goes, "The current legislation recognizes the critical role of Ontario pharmacists, front-line health care providers who help manage patient outcomes. For the first time, pharmacists will be paid for the skills, knowledge and training they have to deliver value-added professional services such as medication management, patient education and chronic disease management."

It kind of goes downhill from there. To quote further from the same letter: "However, while the government's plan to pay pharmacists for providing direct patient care services is laudable, other changes proposed in this bill, the Transparent Drug System for Patients Act, could compromise the sustainability and the viability of community pharmacy. Based on the information available, some of the proposed changes may have a direct and negative financial impact on pharmacies throughout the province, and it is not clear if these changes will be counterbalanced by any of the other new sources of income" that this particular pharmacist made mention of in his letter.

He continues, "During second reading of Bill 102 ... Minister Smitherman recognized 'issues about the sustainability, about the economics of pharmacy' and said government has a particular obligation to ensure that the economics of pharmacy remain vital."

Pharmacists say that Minister Smitherman should be taken at his word on this point. That may well be some-

thing that's difficult to do about any minister associated with the present government.

Pharmacists are concerned. They're concerned about the clarity of the government's proposed changes to the drug system, and very obviously, in small-town Ontario they're concerned about the impact on pharmacy. The long-term sustainability of community pharmacy must be a core principle as this debate continues.

There is a great deal to talk about in this legislation beyond making references to cavemen or cavewomen or cavepersons, whatever the appropriate phrase would be.

I have another letter, again from one of my constituents, also a pharmacist. We should not be surprised. It states, "As a constituent and an individual who is dramatically affected by Bill 102, I would implore you to put forward the efforts required in the legislative process to effect change to this draft."

He itemizes a number of concerns:

"(1) More clarity is needed in the legislation. Many sections can be interpreted in a variety of ways, with a resultant wide range of impacts to my business and patient care. For example, there is discussion about payment for pharmacist services, but no fee schedule or list of eligible services are outlined."

"(2) The additional professional service revenues in the bill are drastically overshadowed by the changes to generic pricing and restrictions on what the government is terming 'rebates.' I may need to reduce my hours, close my store or charge patients additional fees for services that have been available as part of the usual and customary dispensing."

A third concern, and I think this was mentioned by the member from Simcoe North: "The markup cap of \$25 results in my pharmacy actually losing money on many high-cost medications. As a result, I will not be able to carry those drugs."

"(4) The changes in allowable generic price to 50% of brand. This needs to be on a go-forward basis, and not retroactive, but this is not clear in the legislation."

"(5) It is unclear if these changes apply to all prescriptions in Ontario or only those paid for by Ontario drug benefit."

"(6) It is implied that long-term-care service compensation will change, but"—again—"this is not detailed."

I am pleased to have an opportunity to make reference to these letters. I very recently met with a total of probably 13 small-town pharmacists throughout my riding, primarily in Norfolk county. I have communicated by phone with Haldimand county on this issue as well.

So the upshot is that what we have here is a sloppy piece of legislation. It appears to be riddled with errors and, obviously, vagueness and is opposed by the 13 pharmacists I have met with to date.

As we know, marketing allowances are a crucial source of funding for the majority of pharmacies to provide service, services such as education or the delivery of patient-focused programs. This is a crucial area. I spent 20 years in the alcohol and drug business through the Addiction Research Foundation, and so much of the work



I did over the years was with respect to pharmaceuticals, prescription drugs, over-the-counter drugs. I would plead guilty myself. I have referred a very large number of people—hundreds, perhaps thousands of people—to pharmacies during the years that I was a consultant with that organization. Just imagine the number of requests they get—probably, in many cases, a request for information on virtually every prescription they fill.

Local pharmacists understand the generic industry. They understand that this industry can continue to invest in marketing practices directed to pharmacies and that this must be done through a transparent process. But how do we know that the generic companies will be allowed to invest the same amount as they do today, and how do we know that there will be no limit to those investments? Pharmacists have not yet been told what “acceptable marketing practices” are. I suppose I would say that the government is essentially treating the small-town pharmacists whom I’ve been talking with—they’re being kept in the dark and treated like mushrooms, essentially.

2040

On enforcing drug prices, local pharmacists are asking what process the government will use to reconcile the current situation, in other words, the difference between the selling price and the list price. How will the government protect local drugstores from potential future price increases? As you may know, this government intends to increase the dispensing fee from \$6.54 to \$7, and in the same swipe, to decrease the markup. The markup will go from 10% to 8% with a \$25 cap.

This inspires a number of important questions in my mind.

First, where do these numbers come from? How did the government derive these figures, given that it is widely accepted that it costs more than \$10, on average, to provide a prescription to a client or a doctor’s patient? Where are the figures? Is this just being made up as we go along?

Second, has the government considered the impact on sensitive patient groups? We think of people requiring very intensive medication, for example, HIV/AIDS, cancer, MS, Crohn’s disease.

I have another letter. It reiterates a number of the concerns. “In the context of pharmacy reimbursement, it is unclear how changes to pharmacy reimbursement will enable community pharmacies to continue to provide high cost, complex medications”—medications required for some of the ailments I mentioned earlier—“given the proposed decrease of the markup from 10% to 8%, with a cap of \$25.” My constituent goes on to say, “Based on my practice and that of my colleagues, this change will negatively impact pharmacies who provide medications for those patients such as those with HIV/AIDS, cancer, arthritis, multiple sclerosis or Crohn’s disease. As a consequence, such patients may not be able to access their medications at their local pharmacy.”

I know this Minister of Health is reluctant to hear this from me or essentially pay attention to me. I do ask that

the Minister of Health listen to my constituents and to my pharmacy constituents.

I have another piece of information passed on during a meeting in my constit office last Friday. “I want to tell you clearly, as a local pharmacist, I am committed to serving my patients and my community in their best interests. Furthermore, I believe that Ontario pharmacists are ready to assume their enhanced role” as described in this present legislation. “But addressing concerns about the sustainability of pharmacy is critical to making it happen, for the benefit of patients, pharmacists, and the health care system we value.”

These are words from my constituents, specifically directed to the Minister of Health and Long-Term Care. Essentially, through this presentation, we are asking the Minister of Health and Long-Term Care to consider the views of this particular stakeholder group, the people who run our local drugstores, establishments that, certainly in my riding, are so important for the service they provide in the far-flung communities of Haldimand, Norfolk, Brant, New Credit and Six Nations.

Just to sum up, it’s apparent to me why this McGuinty government is hiding behind yet another time allocation motion, the McGuinty government that would like to hide from the consequences of its very own legislation enshrined within this particular bill. My feeling is that they do not want to hear about any of the destructive impact this legislation will have on the bottom line of the smaller drugstores across this province. There is a threatened closure for some of these businesses as a result of this particular legislation.

I’m concerned that the government doesn’t want to hear about the impact this could have, by extension, on the community, on Main Street, and, most importantly, the impact it would have on clients, on patients who access the medications they need from these pharmacies. They don’t want to hear about the risk that pharmacies will no longer be able to stock the kinds of medications that will be impacted. I’m referring to the high-cost medications, the more complicated types of medications.

This government does not want to hear criticism. They are making policy as they go along, policies that, to my way of thinking, are swimming countercurrent to much of the stream of thought that I was hearing in my constituency office.

This government doesn’t want to hear about a plan to install a bureaucrat in the middle of what I consider the very important patient-doctor-pharmacist relationship. We’ve seen the questions from John Tory. This health minister won’t give our leader a straight answer during question period. We have an opportunity this evening to hear some straight answers. We may hear the member opposite address this bill, debate this bill and debate this time allocation motion this evening.

I appreciate the time to address this bill. I will report back to those 12 or 13 pharmacists I have been in contact with. I will allocate the rest of my time to my colleague—unless the government wants to speak up.



**Mr. Leal:** I note, during the time allocation debate this evening, that when you look from 1999 to 2003, the Harris-Eves government used time allocation motions on 67 of the 110 government bills that received royal assent. In that calculation, that's about 61% of the time. It seems to me that that's a real Kremlin-like approach to running this Legislature, shutting off debate 61% of the time, not letting the people of Ontario find out what's going on.

My friends in the NDP have a sorry record too. On one of the most controversial pieces of legislation that ever went through this Legislature, the social contract, which ripped up every contract of the province of Ontario in the public sector, there was no time for third reading debate, and closure was used to push that through. It was shameful that they would resort to such tactics. Let me tell you, the public sector unions in Ontario still remember that sordid history with the NDP government.

Let me talk about Bill 102 for just a moment. Ontario spends \$3 billion a year in acquiring drugs, so it seems to me that we've got to make sure that the folks of Ontario get the best value possible for that expenditure of \$3 billion of their money. That's exactly what Bill 102 is all about: to make sure we have the drugs on time, as needed by the people of Ontario, to make sure they're getting value for every tax dollar spent.

This bill will go to committee. I want the people out there who are tuning in—folks from Peterborough, at about 8:15 this evening, watching this—to know that this bill will be going to committee. It will be an opportunity for the people of Ontario to make representations to that committee, an opportunity to express their concerns about this bill. Collectively, as we move through this process, we will look at amendments to Bill 102 to make sure we have the best piece of legislation possible to bring back to this Legislature for third reading debate, and again give the members the opportunity to talk on this bill.

2050

**Mr. Gerry Martiniuk (Cambridge):** I'm pleased to be able to discuss the resolution for closure brought in with regard to Bill 102.

The question I ask is: What's the hurry? This isn't the most important bill. Why are we rushing this through at the last minute? I'd like to, as background, give you the Minister of Health's attitude towards the drug plan and drugs in general. Reported by the *Globe and Mail* on May 6, in an article by Lisa Priest:

"Ontario's Health Minister is encouraged by a proposal that would allow hospitals to charge cancer patients for effective, intravenous medications that are not covered by the public health care system, saying that he believes 'it's the right thing.'"

"There's no final decision yet. We've done some due diligence and obviously we're closer to having a policy. And in my heart, I believe it's the right thing."

It's the first time I can remember a Minister of Health of any party saying, in one simple breath, that not only is he in favour of a two-tier health system, or at least drug

plan, but he is in favour of user fees at the same time, and in this case 100%.

As one group leader of the London and District Melanoma Support Group said, "Imagine delaying treatment for lack of money, having to fundraise for treatment; putting your kids' post-secondary education at risk, potentially having to sell your house because you can't keep up the mortgage payments, which you incurred to pay for treatment, because you can't work."

Maybe we know what the hurry is. The freight train is on the track for a two-tier system; one for the rich and the other for the rest of us. And they are going strong. That's the hurry.

As far as closure goes—I must admit I have some time for Minister Duncan, now as the Minister of Finance, but in the past he was the House leader. Let's hear what he had to say about closure motions in this place. In 2000, April 27 to be exact, he said, "If you're truly interested in democracy, as you say you are ... I suggest ... that you won't use the great mallet of closure to stifle this Legislature and to prevent public input into this bill. If you're all about democracy, you ought not to be afraid of that."

I can believe that I could hear that from the present House leader of the Liberals, the member from St. Catharines. That's the kind of thing he would say, I'm sure. But Mr. Duncan said it for him, and I must adopt Mr. Duncan's words. I do have a lot of time for things of that kind.

He goes on to say, by the way, on October 26, 1998, "Closure motions," and that's what we have, what we're doing this evening, "really are inherently bad for our parliamentary system and prevent members of all political parties—government members," being the Liberals in this case—"opposition members, third party members—from fully participating in the debates of the day. They're designed to limit those discussions." I'll adopt that too.

We should have full debate, not just for the third party, but also for the loyal opposition and the government members, the long-suffering backbenchers who are there to raise their hands at the bidding of the Premier. Not this time. Let's see if we can change the vote this time.

**Mr. Gilles Bisson (Timmins-James Bay):** I want to thank my colleague Mr. Kormos for leaving so much time on the clock for me to participate in this debate tonight. I just want to say to Peter, if you're watching back home, which I know you are—you're probably in your office doing that—I appreciate all the time you left.

Anyway, I have to say, another time allocation motion—my, my, my, how things don't change around this place. I was just talking to a good friend of mine who has had the opportunity to witness this particular type of motion from both sides of the House a couple of times. And it's always interesting, as a member who has been around here for some time, to listen to speeches when it comes to time allocation, because I've been listening to the speeches of the members of the government defending their God-inherent right to rule and to do what they've got to do because, by God, they won the last



election, and they get to do what they want because they've got the majority over there.

I just remind members who just got here or have been here for two or three years that the parliamentary system is set up in a particular way. There's a rhyme and a reason to why we do things. This system, as good and as bad as it might be, is a system where the majority government is made up of sometimes not the majority of the voters of the province that they're voting in, but there is a thing called the opposition. What makes this Parliament work or sometimes not work—but I would argue work more times than not—is the ability of an opposition party or opposition parties to raise legitimate debate, to raise legitimate concerns when it comes to a particular bill and to hold the government's feet to the fire.

The problem we've had over the years is this place has become much more centrally controlled by the people who work in the Premier's office, the corner office, as we call it. Far too often, it is those unpaid people who work for the Premier, who are unelected—I shouldn't say unpaid; they're paid very well. It's those unelected people who work in the Premier's office who basically make all the calls, and then members of the government come in here and defend the decisions of these overpaid, unelected people who work in the corner office, who are telling you to serve the agenda of whoever sits in the corner office. I just say, that's not what this place is supposed to be about.

I've had an opportunity to debate closure motions from all parts of the House and, you know what? Basically, I used to make some of those dumb arguments, too. Over the years, I figured out that they were pretty dumb in the first place. The basic problem we have is this institution, I think, needs to change in order to make sure that there is adequate opportunity for citizens to find their voice in debate through members of the opposition and members of the government, so that you can have a rational debate about what is an important issue.

I'm prepared to admit that the bill the government wants to put forward is substantive and deals with one of the issues that is probably not central, but fairly important, to the overall cost of running our health care system. I think we can have a healthy debate about how we contain the costs of our public health care system in order to make sure we have the dollars to sustain it over the longer term.

This Parliament, this legislative system we have today, doesn't allow us to do that in any real way, because we know the corner office is going to decide what's going to happen here, the corner office is going to decide what is going to happen on committee, and at the end of the day, the good work that members can be doing on behalf of the people we're here to represent sometimes doesn't get done because of that. I would argue that we need to have some changes.

Now, this government is saying that they're prepared to move forward on the whole concept of changing the electoral system to something we see in other countries, which is proportional representation. I will be the first to

admit that it is not the be-all and the end-all to the solution of our problem, but certainly what we have now has worked well in the past. We shouldn't throw out the baby with the bathwater. The British parliamentary system has been a very good one to Canada. All the things we have today, I say, are because of the British parliamentary system. If we had the American system, we would still be in private health care, we would still be reactionary, and we would be doing just as our friends to the south are. Let's not say that the British parliamentary system doesn't work. The challenge is, how do we modernize the parliamentary system to reflect the society of today? Parliament today has to deal with much more complex issues than we used to a hundred years ago or, I would argue, even 16 years ago when I first came to this place.

The debate around drug prices, the sustainability of drug prices, how we should dispense and what we should dispense are matters that this Legislature should be dealing with at length. There is nothing wrong if we have to take a winter to do this and do it properly. There is nothing wrong in taking the time that we need at committee to do it properly so that, at the end of the day, we have a rational debate about what decision this Legislature should take in the end in order to deal with what the crux of the issue is.

There's not anybody in this House who is not going to argue or agree that there's a problem in how we sustain our public health care system. We all agree, the three parties, we want a public health care system. We all agree it has to be sustainable. How do we do that? It's not by guillotine motions of closure we're going to come to that conclusion, and it's certainly not going to be by the process set out by the person who occupies the corner office—I don't care if it's Bob Rae, Mike Harris, Ernie Eves or, in this case, Dalton McGuinty—that we're going to get to the solution.

It's by rational debate in this Legislature, allowing members to do their job. It's not by doing time allocation, but by allowing proper debate on the issue so that we can represent the views of those people we talked to in that debate, then referring the matter off to a standing committee of members who are charged with the responsibility of taking what was said in debate, taking what was said at the public committee process and coming back with recommendations about how we deal with the crux of the issue, because I can tell you, my friends, we ain't going to deal with it this way. What we are going to end up with is a flawed bill in the end.

**2100**

I agree with the concerns raised by the members of the opposition—both, obviously, us as New Democrats, but the Conservatives. There are a lot of concerns about where this bill is going to go in the end. We don't disagree that we need to find a way to deal with how we pay for it, but I think what you're going to get in the end, as far as a product, is not what you want, because it's not you, it's not you and it's not you who's going to make the decision, or me; it's going to be some guy in the corner office who's going to make those decisions, and



we will be charged with doing what the corner office tells us to do.

I think the sooner the public comes to the realization of that and members take charge of that, the sooner we are going to be in a position to try to find some solution so that at the end of the day this Legislature becomes more relevant, there isn't a need for time allocation, and we charge members with the responsibility to do what they're elected to do, and that is to find solutions to the public policy issues that we're charged to deal with. If we do that properly, and if it takes us a year and we don't use time allocation and we come up with a better product, my, what a great, wonderful thing that would be.

**Mr. Wilkinson:** I'm delighted to enter into the debate this evening and to join my friends the members from St. Catharines, Oakville, Mississauga East, London-Fanshawe and the member from Peterborough. I think our government is on its feet this evening on this very bill because this bill is about the right drug for the right person at the right time for the right value. That's what this bill is about. We believe that this bill needs to move forward. We believe it needs to move forward tonight to its next logical progression in the democratic process here at Queen's Park, which is to get it to committee for additional public input and for clause-by-clause.

There hasn't been a major piece of legislation introduced by the McGuinty government that hasn't been amended at second reading debate for clause-by-clause consideration. We don't go into a debate with a bill at first reading or at second reading thinking that we are absolutely right on all things. We do this in an open, transparent way. I contrast that with the two previous governments, who seem to have a certain penchant for going to the guillotine just as quickly as possible. It has already been said tonight that the NDP, as compared to the Peterson government, used time allocation five times more. They look like a bunch of pikers compared to the Harris-Eves government.

I find it interesting when I listen to the members of the progressive amnesiac party, who somehow get up here and talk about time allocation. I quote my good friend, the member from Simcoe North. He said that when they were in government, time allocation, when they had to do it—and they were forced to do it some 67% of the time for 1999 to 2003—they were forced by who? By the opposition. "It was the opposition's fault." But tonight, when we want to take this bill for the people, for patients, for transparency, for accountability, we want time allocation.

So I take it, logically then, sir, in debate it would be your fault. Is that what it is? It must be the member from Simcoe North, because I say to the members opposite: When you were using time allocation 67% of the time, how many times—just talking about the members here this evening—how many times did the member for Leeds-Grenville vote against his party and against time allocation? None. How many times did the member for Simcoe North vote against his government? None. How many times did the member from Haldimand-Norfolk?

None. How many times did the member from Cambridge? None. But oh, amnesia is extant in the land here at the Legislature, because they forget all that. Now, it's not our fault. It must be their fault. We must be forced to do that.

I found it quite interesting when the member from Niagara left of centre gets up here and goes on and on about the fact that there's no debate. He gets up every day and he says, "I don't want to work at night." When there's an evening sitting vote, the NDP get up every time and say, "I don't want to work at night. We want to debate, but I don't want to work at night." I know that Mr. Tabuns has spoken for 20 minutes on this bill. I know that the critic Shelley Martel has spoken for 60 minutes. My friend Mr. Prue has spoken for 20 minutes. It sounds to me as if there has been some debate. And I think Mr. Kormos was up here tonight speaking quite at length about this time allocation motion.

**Mr. Dunlop:** He was talking about Kennedy.

**Mr. Wilkinson:** I agree. The member from Simcoe North mentioned that perhaps Mr. Kormos careened off the topic ce soir and moved over to some other topics that were entertaining, at best, but had nothing to do with this bill.

I want to say to my friend, my new friend, from Nepean-Carleton that it's amazing. You must be hanging out with that John Tory character, because I've said many times that I believe him to be somewhat of a factual cherry-picker. The member from Nepean-Carleton was telling us that somehow this is some secret plan for reference-based pricing. I distinctly remember the Minister of Health receiving a very clear question—

*Interjection.*

**Mr. Wilkinson:** I say to the member from Haldimand-Norfolk, who said the answer wasn't clear, the question was, "Is this about reference-based pricing?" The Minister of Health got up and said no. It can't be any clearer than that, friends on the opposite side. It can't be any clearer than that, because what's in this bill is what we are debating this evening.

*Interjections.*

**The Speaker:** There's entirely too much assistance for the member for Perth-Middlesex. Perhaps we could remember that we need to show respect for the people who have the floor. One member gets to speak at a time, without interruption. Member for Perth-Middlesex?

**Mr. Wilkinson:** Mr. Speaker, I am debating, actually talking about what the members opposite were talking about this evening, going systematically through and refuting some of their comments, reminding them of some of the history of this place, though I am, like others, new to this place. But it has a very long history. Hansard reveals all about one's voting record and how one dealt with other issues.

There is a need to move forward on this bill. Although we've heard concerns—the member from Haldimand-Norfolk said that his local pharmacist said the bill is laudable but could have some problems. Well, that's why



we need to go to committee. We need to clear the air of any concerns.

But when I look at the stakeholders that have concerns: there could be problems for big pharma, there could be problems for generic pharma, there could be problems for big pharmacies, for little pharmacies, for pharmacists, for doctors. There could be problems. Who is speaking for the patient? What do patients tell us? Patients tell us that they want a drug bill, they want reform. They don't accept the status quo. They want transparency and they want accountability. That's what the patient wants.

We have the interest of the taxpayer at heart, all of us in this House, and I know the taxpayers are saying, "If we're the biggest purchaser, we should get the best price. We're not particularly enamoured of the fact that we as taxpayers are spending money for marketing schemes."

I look forward to listening to the parliamentary assistant to the minister, my good friend from Mississauga South, when he enters into the debate this evening.

**Mr. Miller:** I am pleased to enter the debate this evening. The member from Timmins–James Bay was complaining about the amount of time. In my short two minutes I wanted to get on the record some concerns of some constituents of mine, particularly small pharmacies from rural Ontario that are concerned about this bill.

I will very quickly read part of a letter I've received from a constituent in an e-mail:

"My current understanding of Bill 102 leads me to believe that the viability of my business is in question. I am certain that many or most independent pharmacies are in the same position. Please read the attached letter and allow me to meet with you to explain personally the impact it would have on my business and my customers."

"Dear Mr. Miller:

"I am writing to you about the recently introduced Bill 102, the Transparent Drug System for Patients Act, 2006. Should the sweeping changes to the Ontario drug benefit program be passed, it will unfavourably impact the economic viability of pharmacies in Ontario, and it will adversely affect patient care.

"I know that there was some consultation with the stakeholders"—I don't have time, I can see, to go through the whole thing, so I'd like to go through the points.

"As a constituent and an individual who is dramatically affected by Bill 102, I would implore you to put forward the efforts required in the legislative process to effect change to this draft. Some of my key areas of concern include:

"More clarity is needed in the legislation. Many sections can be interpreted in a variety of ways, with a resultant wide range of impacts to my business and patient care. For example, there is discussion about payments for pharmacist services, but no fee schedule or list of eligible services are outlined," and he had a whole list of questions. That comes from Gordon Lane, BSc, Pharmacist, Lane Family Pharmacy in Parry Sound.

2110

That's why it's a bad thing that the government is forcing this legislation through by having the very prescriptive time allocation motion being debated this evening, because there are countless pharmacists and others who are concerned about the implications of the bill, so we need to take time and the due process to consider all these concerns.

**Mr. Tim Peterson (Mississauga South):** It's a pleasure to rise to address the Transparent Drug System for Patients Act, 2006, also known as the right drug for the right person at the right price. I'd like to thank the members from Mississauga East, Oakville, London–Fanshawe and Perth–Middlesex and also the opposition members from Niagara Centre, Nepean–Carleton, Simcoe North, Haldimand–Norfolk–Brant and Leeds–Grenville.

*Interjection.*

**Mr. Peterson:** And also our member from Peterborough. Thank you.

I wish the members opposite had spent more time focusing on the content of the bill rather than the fact that it's been time-allocated. We are presenting this bill because, for over 20 years, people have said that the drug system in Ontario needs fixing. The system is broken and we are fixing it. When we decided to fix it, we undertook a substantial evaluation of it. We appointed the Drug System Secretariat in June 2005, consisting of Helen Stevenson and Brent Fraser, to do an objective, dedicated system-wide review. They talked to 250 experts worldwide, visited the United Kingdom and the United States, received 100 submissions, had 105 meetings with 350 stakeholders and had public forums with patient groups and public focus groups for research.

What they found was that the supply chain is not transparent or fiscally accountable to the public or private payers. They found that the price paid by government does not reflect the true cost of the drug. They found that brand-name manufacturers' prices are inflated due to high unnegotiated prices as well as unagreed-to price increases. They found that generic manufacturers' prices were inflated through the difference between the drug benefit price and the selling price, as well as unsolicited price increases. They found that manufacturers increased the price of their drugs and the cost was passed on to the government. Our only way of dealing with that is to delist a drug, and you can just imagine if you were a patient in the middle of a treatment and had your drug delisted. The government also, it was found, was not leveraging its \$3 billion of purchasing power. The government is a price taker, accepting the prices by manufacturers, not negotiating them, and we needed to be more active and more aggressive in our negotiations.

So there was an opportunity here, an opportunity to achieve better results in better access to drugs in a transparent manner, not in a poorly understood manner done in secrecy. We needed to include all the stakeholders. We also needed to have collaboration with all aspects of the



private sector to help employers manage drug costs and remain economically competitive in Ontario.

The health care system remains an advantage to Ontario employers. For the Big Three automakers, which cover 250,000 Ontarians, health care is the biggest competitive advantage and one of the most compelling reasons to invest in Ontario. Major employers in Ontario contribute significantly to the health care system: 5.5 million people employed in Ontario with private group plan coverage. The investment in health benefits totals \$11 billion, combined with a payroll of \$220 billion. Drug plans constitute the most significant component of an employer's health plan liability.

After all this consultation, we found that: patients need better and faster access to drugs; the patient needs a voice in the system; the government is not getting value for money; the government is not leveraging its \$3.5 billion of purchasing power; and collaboration with the private sector to help employers manage drug costs is necessary to remain economically competitive.

The five areas we focussed on: improving access for patients to drugs; the strengthening of our position as a customer to get value for money; the promotion of appropriate use of drugs; the rewarding of innovation; and the strengthening of the governance and operations of the drug system.

In so doing, we appointed an executive officer. During the consultations, the Drug System Secretariat heard many concerns about the current review process. Part of the responsibility of the EO is to maintain a drug benefit list. As a result, a regulation amendment is not required each time a change is made to the benefit list. This process will be done openly and transparently so everybody can see why the decisions are being made and the timelines in which decisions are being made. The drug decisions by the EO will be done in consultation with patients, doctors, manufacturers and pharmacists in an open, transparent format.

We're also constituting a committee to evaluate drugs. The committee to evaluate drugs will report, in the beginning, to the drug secretariat and then eventually to the EO. All its deliberations will involve stakeholders, patients and will be publicly posted.

We are including two patients as full members of the committee. Ontario will be the first province in Canada and one of the first jurisdictions worldwide to give patients an active role in both decision-making policy and policy-setting for drugs.

We are also formulating a pharmacy committee. I'd like to commend Mr. Kealey, head of the OPA, for his strong vision of the role that pharmacists and pharmacies can play in the drug system of the future. The committee will consist of representatives from these various groups: the Ontario Pharmacists' Association, the Ministry of Health, hospitals, physicians, patients and the College of Physicians and Surgeons of Ontario. This committee will evaluate the current professional services and roles of pharmacists and their future in the management of the integrated drug system.

In the reimbursement of pharmacists, we are increasing the dispensing fee and we are decreasing the mark-up allowed, but overall we expect to have a neutral result. If any pharmacists don't believe this is the case, I look forward to receiving their submission.

We will also be constituting the drug innovation fund and funding it with \$5 million. This also will be administered by the drug secretariat in the beginning and then the executive officer, and it'll play an integral role in helping bring new drugs to Ontario.

This bill goes to committee on May 29 and 30, and June 4 and 5. If anyone wishes to submit their comments and analysis before that, they will be welcomed by me and they will be forwarded by me to the minister and ministry.

The direction of this bill is very important to Ontario and Canada. It is important because it will help maintain an efficient, cost-effective health system that gives us a large advantage in attracting and maintaining industries in Ontario. It is also more important because it will continue to support an intrinsic characteristic of Ontarians, indeed Canadians: that of caring and sharing.

In conclusion, with the Transparent Drug System for Patients Act, 2006, we will have the right drugs for all at the right price. Thank you very much.

**The Speaker:** Further debate? There being none, Mr. Bradley has moved government notice of motion number 144. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a 10-minute bell.

*The division bells rang from 2120 to 2130.*

**The Speaker:** All those in favour will please rise one at a time and be recognized by the Clerk.

#### Ayes

Arthurs, Wayne	Flynn, Kevin Daniel	Milloy, John
Balkissoon, Bas	Fonseca, Peter	Patten, Richard
Bentley, Christopher	Gravelle, Michael	Peterson, Tim
Berardinetti, Lorenzo	Hoy, Pat	Ramal, Khalil
Bradley, James J.	Jeffrey, Linda	Ruprecht, Tony
Brownell, Jim	Kular, Kuldeep	Sandals, Liz
Chambers, Mary Anne V.	Lalonde, Jean-Marc	Sergio, Mario
Craitor, Kim	Leal, Jeff	Smith, Monique
Delaney, Bob	Levac, Dave	Smitherman, George
Di Cocco, Caroline	Mauro, Bill	Wilkinson, John
Dombrowsky, Leona	McNeely, Phil	Wynne, Kathleen O.

**The Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

#### Nays

Barrett, Toby	MacLeod, Lisa	Runciman, Robert W.
Bisson, Gilles	Martiniuk, Gerry	
Dunlop, Garfield	Miller, Norm	

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 33; the nays are 7.

**The Speaker:** I declare the motion carried.

It now being past 9:30 of the clock, this House stands adjourned until 9 of the clock tomorrow morning.

*The House adjourned at 2132.*



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**Mercredi 10 mai 2006**



Speaker  
Honourable Michael A. Brown

Président  
L'honorable Michael A. Brown

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers



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# LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 10 May 2006

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 10 mai 2006

*The House met at 0900.  
Prayers.*

## PRIVATE MEMBERS' PUBLIC BUSINESS

### EDUCATION AMENDMENT ACT (NUTRITION STANDARDS IN SCHOOLS), 2006

### LOI DE 2006 MODIFIANT LA LOI SUR L'ÉDUCATION (NORMES ALIMENTAIRES DANS LES ÉCOLES)

Mr. Klees moved second reading of the following bill:  
Bill 93, An Act to amend the Education Act / Projet de loi 93, Loi modifiant la Loi sur l'éducation.

**The Acting Speaker (Mr. Ted Arnott):** The member has 10 minutes to make his presentation.

**Mr. Frank Klees (Oak Ridges):** I'm very pleased to rise in support of this bill. I look forward to this debate. At the outset, I want to acknowledge the work of Nupur Dogra, a grade 9 student from the Iroquois Ridge High School in Oakville, who is here in the gallery with us today, with her father, Rakesh, and her mother, Mukta. I understand as well that she has with her today visitors, her aunt and uncle, as well as a cousin, and her teacher, Monique Gazan, who I want to acknowledge.

The reason I want to acknowledge Nupur and her teacher and her classmates is that this bill is before us today because of the work and the inspiration of Nupur Dogra. It came about as a result of the initiative of the CBC's Making the Grade program, inspired by the Legislature's very own Mr. Mike Wise, who we all know in this place as someone who is probably one of the most even-minded reporters in the media today. Through his inspiration of trying to get young people involved and giving them an opportunity to become involved in the political process, we have before us a bill that was first introduced in the House a few weeks ago for first reading. Now we're here, and this special session of the Legislature is debating this bill.

This bill before us will do three things. First of all, it will address the issue of nutrition in our schools. The initiative that Nupur has brought to us here is really designed to ensure that young people across the province have the opportunity to have available in their cafeterias food that is healthy and that will contribute to their long-term health.

The first thing that this bill does is "require every pupil in every school year who attends a school under the jurisdiction of the board to receive instruction that the board provides on nutrition standards that it considers necessary for healthy eating, which shall include instruction on Canada's Food Guide to Healthy Eating and Canada's Guidelines for Healthy Eating, both published by Health Canada as they are amended from time to time."

That is section 7.3 of this act. This is incredibly important, because what we want to do is ensure that young people, of their own choice, learn to make good decisions in terms of the kind of food they eat and the kind of habits they develop in their own personal lives.

The second issue that is addressed in this bill, under 7.4, is the establishment of a committee within each school "composed of the persons that the board appoints to advise the board on what nutrition standards should form part of the subject matter of the instruction described in" the previous paragraph.

Finally, the third thrust of this bill is that "if the board operates a cafeteria in a school under its jurisdiction for the use of the staff and the pupils," then there must be a posting in the cafeteria of Canada's Food Guide to Healthy Eating and Canada's Guidelines for Healthy Eating, both published by Health Canada as they are amended from time to time. That is the essence of this bill.

I want to refer to the comment that was made by Nupur in the preamble, in the leadup to this legislation. I want to quote Nupur in terms of her motivation: "1.6 billion dollars is going toward treating obesity-related illnesses. This bill will help make a difference by positively affecting our society's economy by spending less money to treat these diseases. Healthier choices mean a healthier future. This is a win-win situation. Everyone benefits from this."

I want to especially draw attention to the fact that this bill isn't before us because the Minister for Health Promotion or the Minister of Education or any of us as legislators decided that we want to impose on students in this province these guidelines. We know that this is a very positive initiative, but what is especially unique about this bill is that it was initiated by a student, by someone who, by virtue of interacting with peers, had the vision and recognized that something has to be done. This is all about ensuring that our cafeterias within our schools and our school system are first of all providing the education in terms of the standards that are necessary for healthy lives. It is then about ensuring that the food



that's provided within our cafeterias is such that it is going to promote healthy lifestyles and ensure the health of our young people.

0910

Nupur has done an outstanding job—I want to acknowledge her efforts again—beyond the crafting of the bill. I had the pleasure of working with her in terms of searching out the specifics of the legislation, and I want to acknowledge the work of legislative counsel in terms of their support as well. Beyond this, once we had the bill introduced, Nupur went to work in her school and across the province, designing petitions that young people and adults across the province signed, and we read a number of those petitions into the record here in the House.

I have a letter as well, addressed to Norm Miller, the member from Parry Sound—Muskoka. This came from the school nutrition action committee at Bracebridge and Muskoka Lakes Secondary School. They write: “We are writing to encourage your support of Bill 93.” They go on to enclose a petition that was signed by many individuals in their school.

I want to read into the record a letter I received from the Heart and Stroke Foundation of Ontario, referring to Nupur Dogra's bill and commending her for her initiative as well: “The Heart and Stroke Foundation of Ontario is increasingly concerned about unhealthy eating habits among children and youth. The current lifestyle of Canadian children is resulting in an upsurge of type 2 diabetes, heart disease and stroke by the time they reach their 30s as it is currently estimated that one in four children (26%) are either overweight or obese.

“The Heart and Stroke Foundation is working hard to help create a healthier society. The foundation has committed itself to take a leadership role to lobby for health conscious public policy and to improve nutrition.”

It goes on to say, “With students like Nupur, taking an active role in promoting a healthy lifestyle and more nutritious choices in the school system, it will assist in our goal to raise awareness regarding the detrimental effects of an unhealthy diet and lack of physical activity on our children....

“The HSFO is pleased to support your bill,” and they're prepared to do whatever it takes to ensure effective implementation of this legislation.

I want to encourage all members—I'm pleased to see the Minister of Health Promotion here today; I look forward to hearing his remarks, and I trust we will have his support and the support of all members of the House for this important legislation.

Once again, I commend Nupur for her initiative—the entire class. It is encouraging to see young people involved in the political process. I think one of the things this exercise has done, through the assistance of the CBC, is ensure that not only young people but everyone in this province understands that the political process is not mysterious. It simply takes individuals who have an interest, who are prepared to put action to their initiative.

We stand here before the Legislature debating a bill, but I'm also optimistic that we have before us a bill that

will be enacted by this Legislature and implemented by the government of the day to ensure that our young people in this province eat healthy and remain healthy.

**The Acting Speaker:** Further debate?

**Ms. Shelley Martel (Nickel Belt):** I appreciate the opportunity to participate in the debate, and I'd like to welcome our guests to the Legislature today. I'd like to thank Ms. Dogra for the initiative she has shown to deal with what is a very serious problem of childhood and adolescent obesity by trying to ensure that schools become much more healthy-eating friendly and by enabling students to make healthier choices.

I support the intent of the bill. I won't go through the details; they've already been outlined by Mr. Klees. But what I did want to put on the public record this morning is the crisis we are facing with respect to childhood and adolescent obesity in this province and, indeed, right across Canada, and secondly, some other recommendations that have been made by other groups and organizations to deal with this matter, which I think the government should take into account over and above the bill that we hope is going to be passed at some point today.

Let me deal first with the problem. In her 2004 report, the chief medical officer of health, Sheela Basrur, pointed out that obesity among children ages seven to 13 tripled between 1981 and 1996. Unhealthy weights are responsible for a dramatic rise in type 2 diabetes, and contribute to heart disease, stroke, hypertension and some cancers. Obesity cost the Canadian economy \$2.7 billion and Ontario's health care system \$1.6 billion in 2000-01.

Also from her report, which was released in November 2004, she made a couple of additional points that I want to put on the record. First, “According to a study of Canadian youth, students' daily breakfast consumption declines as they moved from grade 6 to 10. For girls, the increase in ‘breakfast skipping’ was dramatic between grades 6 to 8; at all grade levels, fewer girls than boys reported eating breakfast every day.” That's important because, “Weight is affected not only by what we eat, but by when and where we eat.... skipping breakfast is associated with overweight and obesity.”

Secondly, “Weight is also affected by how active people are. Over the past few decades, people have become more sedentary and spend more time watching television and using the computer. According to Statistics Canada (2003), Ontarians age two and up spend almost 21 hours a week watching TV. Children ages two to 11 watch an average of 14.5 hours a week, while youth (12 to 17 years of age) spend approximately 14 hours a week watching TV. This does not include the time spent playing video and computer games or using the Internet. The amount of time Canadian children spend playing video games is among the highest in the world.” So not only do we have a serious problem with respect to nutrition, but we've got a serious problem that our young people are not leading active lives, and that, in fact, is contributing to their weight problems.

Let me deal with this document put out by the Ontario Medical Association in October 2005. It was a position



paper entitled *An Ounce of Prevention or a Ton of Trouble: Is there an Epidemic of Obesity in Children?* The OMA pointed out in the document, "Obesity during childhood increases the risk of adult obesity. 40% of obese seven-year-olds and 70% of obese adolescents go on to become obese adults. Only 25%–40% of juvenile obesity can be linked to genetic heritability, leaving over half of childhood obesity relating to environmental factors. Obesity in adults is linked to greater health risks, including the increased incidence of coronary disease and type 2 diabetes, although it has been found that increased activity can mitigate these negative effects. Given the propensity for obesity to become a lifelong issue, and because treatment for childhood obesity is only variably successful, obesity prevention is key." That means much more active young children, much more active adolescents and much-improved nutrition, which we are regrettably not seeing, either in the province or, frankly, across Canada.

Let me look at this document that came from Statistics Canada. It was done by Margot Shields. It's called *Measured Obesity: Overweight Canadian Children and Adolescents*. These were the findings from the Canadian community health survey: "In 2004, 26% of children and adolescents ... were overweight or obese; 8% were obese.

"For adolescents aged 12 to 17, increases in overweight and obesity rates over the past 25 years have been notable; the overweight/obesity rate of this ... group more than doubled, and the obesity rate tripled.

"Children and adolescents who eat fruit and vegetables five or more times a day are substantially less likely to be overweight or obese than ... those whose fruit and vegetable consumption is less frequent.

"For children aged 6 to 11 and adolescents aged 12 to 17, the likelihood of being overweight or obese tends to rise as time spent watching TV, playing video games or using the computer increases."

Finally, "Canadian adolescent girls are significantly less likely than American adolescent girls to be overweight/obese."

Those are some of the statistics with respect to the problem that's staring us in the face, not only in this province but right across the country. We need a strategy that is quite broad and quite extensive to try to deal with that. Certainly the bill that is before us will go some long way to promoting health and better nutrition in our school system, but I think there are a number of other things we can be doing at school, at home and in the community that we need to be considering if we're really going to deal with what is an epidemic, and deal with it head-on.

0920

On November 26, 2003, the Ontario Public Health Association wrote to the former Minister of Education, Gerard Kennedy, and made these types of suggestions to the minister with respect to what else could be done. They said the following, and I'm quoting:

"Local public health units across the province are addressing school nutrition issues in a variety of ways:

"Many are developing handbooks and guides for schools and school boards to promote the development of policies and guidelines related to food and nutrition.

"Others are working on specific issues, such as vending machines; in Ottawa, the local public health unit is conducting a pilot of Fuel to Excel vending machines with an assortment of nutritious snacks, including milk, yogurt and cheese. This initiative is still in its early stages, but may prove to be a viable alternative to traditional vending machine choices of pop and chips.

"The Eat Smart! school cafeteria award program—primarily applicable to secondary schools with food service facilities. School cafeterias can receive an award of excellence if they meet standards related to nutrition/healthy food choices, as well as food safety. This program is administered locally by the public health units and supported provincially through the Nutrition Resource Centre at the Ontario Public Health Association.

"The FoodShare salad bar program (Toronto) offers schools a child-sized salad bar stocked with fruits, vegetables, grain products and a daily source of protein so kids can create a healthy lunch. So far, this project has been successful and will hopefully be offered to more schools in the next year."

So, over and above what's included in Bill 93, here are some other good suggestions that have been made by public health units—the public health unit association in particular—that could be expanded to schools right across the province, which would in fact promote healthy choices, give healthy choices to students at school, and promote much better nutrition choices as well.

There are some recommendations that were made as well in March 2004, in a document called *Call to Action: Creating a Healthy School Nutrition Environment*. This was a document prepared by the Ontario Society of Nutrition Professionals in Public Health school nutrition work group steering committee. They made nine recommendations or have included nine elements that they think are fundamental to healthy school nutrition environments, and I want to go through some of the nine elements that they have listed.

"1. Food and nutrition policies to support healthy eating:

"The development and dissemination of a coordinated school nutrition policy is fundamental to providing the framework for a healthy school nutrition environment.

"A school nutrition policy allows for consistent healthy eating messages in the school environment. This will have a positive long-term effect on both the risk of chronic diseases and the effect of diet on health, growth and intellectual development....

"2. Nutrition education for students:

"Nutrition education contributes to improved dietary practices that affect the health, growth and intellectual development of children and youth....

"A minimum of 50 hours of nutrition education per elementary school year is necessary to impact behaviour....



"3. Nutrition education for staff provided by registered dietitians:

"Registered dietitians have unique skills and expertise in nutrition education.

"Training in nutrition can help gain teacher support for nutrition education and increase the extent to which teachers will implement the curriculum....

"4. Healthy, reasonably priced and culturally appropriate food choices available in schools:

"Nutrition education in the classroom is undermined in schools when snack bars, school stores and vending machines promote the sale of food and beverages with minimum nutritional value. For example, soft drink vending machines are a contradiction to any healthy eating program....

"Healthy habits are taught in the classroom, but the effect is diluted when students receive candy as rewards, or when freedom to choose means soft drinks and sweets."

In addition to that, "When the price of fruit and vegetables was lowered in a school cafeteria, there was a significant increase in fruit and vegetable consumption in that cafeteria."

"5. Positive role modelling of healthy eating by school staff:

"Children and youth who see teachers eating healthy foods are much more likely to eat well.

"Teachers are found to be trusted sources for nutrition" and healthy choices.

"Elementary school teachers have a potentially greater influence on a child's health than any other group outside of the home....

"6. Student, parent and community education about healthy eating:

"Students are more likely to adopt healthy eating behaviours if they receive healthy eating messages through multiple channels," including home, school, community and the media, "and from multiple sources," including parents, peers, teachers, health professionals and the media....

"7. School nourishment programs:

"School nourishment programs improve students' cognitive performance and their educational achievement....

"8. Safe food practices and allergy-safe environment:

"Providing a safe food environment will decrease the risk of food-borne illnesses and protect students with life-threatening allergies," for example, to peanuts or nuts.

Finally,

"9. Appropriate scheduling of nutrition breaks:

"Lunches should be scheduled so that recess is not competing with mealtimes. Research shows that children eat less if they are eager to go outside for recess.

"Allowing students a minimum of 20 minutes to socialize with others at lunch provides a break in routine and refreshes them for afternoon classes."

Those were some of the elements that were put forward by the Ontario Society of Nutrition Professionals, and these should be included in changes that we

want to make to ensure we are really promoting nutrition in our schools.

Sheela Basrur, in her report, talked about things that school boards could be doing as well to promote healthier eating:

(1) Assess school environments—cafeterias, vending machines, opportunities for phys-ed, fund-raising and special food days—develop plans to create a healthy school environment, and monitor progress.

(2) Promote healthy eating by developing guidelines for foods available in Ontario's school cafeterias, which this bill will do, including nutrition in the curriculum and integrating new material on Canada's labelling system, and ensure teachers receive appropriate training to teach nutrition.

(3) Establish the foundation for lifelong physical activity by providing quality daily phys-ed, ensuring phys-ed classes are taught by teachers trained in physical education, providing daily physical education opportunities through active recess and lunch programs and intramural activities, and educating children about the benefits of regular physical activity.

(4) When building or retrofitting schools, include features that support physical activity and healthy eating, such as bicycle racks, active and safe routes to school, adequate separate indoor facilities to support quality daily physical exercise and activity, and kitchen facilities and adequate space for students to eat lunch.

Those are some other improvements that we should be making and need to be making to support some of the initiatives in Bill 93.

Finally, do nutrition programs work? There was a great article that was released February 2005 by CBC Health and Science. It looked at a number of schools in Halifax where there were nutrition programs in place. In those schools where full nutrition programs were in place, in Nova Scotia's Annapolis Valley, those schools and those students fared the best in terms of having a nutrition program and ensuring that they were eating properly. In that particular area and those schools, students had obesity rates that were 72% lower than those of students who attended schools without a nutrition program.

So it can be done. It should be done. The province, indeed the country, is facing a crisis with respect to both child and adolescent obesity. The recommendations in Bill 93 would go some way in ensuring that we have adequate choices and have schools where there is a foundation for nutrition, but I hope the government would also consider some of the other suggestions that I've made to really encourage that even more. Thank you.

**The Acting Speaker:** I'm pleased to recognize the Minister of Health Promotion.

**Hon. Jim Watson (Minister of Health Promotion):** It's my pleasure on behalf of our government and our government caucus to stand in support of Bill 93, which has been graciously introduced by the honourable member from Oak Ridges. I want to take a moment to



thank Nupur Dogra from Iroquois Ridge High School in Oakville. I had the opportunity to meet Nupur several months ago, and I think this is an historic occasion for us in the Legislature. It's the first time that a high school student has helped to craft a piece of legislation that is being debated on the floor of the Ontario Legislature. I think young Nupur Dogra from Oakville deserves our support, our thanks and our encouragement, because this is an important piece of legislation, and while it falls under the jurisdiction of the Minister of Education, as Minister of Health Promotion, I am very supportive of any ideas that are brought forward to this place that can help with the challenge that the honourable member from Nickel Belt spoke of with respect to obesity in this province and this country.

0930

There's been a 300% increase in obesity rates amongst children in the last 25 years. It is a challenge that is not going away. I believe we have a golden opportunity through this initiative and other initiatives that our ministry is going to be bringing forward in conjunction with the Minister of Education over the course of the next several months.

The fact of the matter is that this legislation, Bill 93, deals with three specific aspects, one of which is to provide greater information so that students can make informed choices when going to the school cafeteria. We've done some good work as a government. We have banned junk food in vending machines, for instance, which has been well received. We've brought in 20 minutes of daily physical activity in elementary schools as well. We have worked with a company in Ottawa called Fuel To Xcell, which is a pilot program for vending machines to provide healthier choices for individuals in high schools.

Just on a personal note, when I was a high school student at Thornlea Secondary School, I had a television show, a cable TV show, in Richmond Hill, and I brought in a television camera because I was upset with the quality of food in our school cafeteria. In fact, during nutrition week, every single day of nutrition week, they were serving French fries. I discovered through searching school records that the school cafeteria company was not following the guidelines they'd agreed to. As a result of this television show that I did as a teenager, we made significant changes in that high school cafeteria. I believe that Nupur is following in that tradition of youth activism, of getting involved in the advocacy through CBC, and I thank Mike Wise for his initiative in bringing this piece of legislation to the floor of the House.

I look forward to voting for it. I thank Nupur, I thank the CBC and I thank all of the students who've been involved in Making The Grade. Merci beaucoup.

**The Acting Speaker:** Further debate?

**Mr. Ted Chudleigh (Halton):** Bill 93, nutritional standards in schools: That's an interesting bill. Iroquois Ridge High School—it came from Oakville, which is in my riding. I'm very proud of the students and teachers who brought this bill forward, especially Nupur Dogra. Thank you very much for bringing it forward. It's a great

initiative. Of course, we in Halton expect great things, so you're just following in a long tradition.

It's a very important piece of legislation and deserves to be passed. Good eating habits and nutritional standards can form a lifetime of habits. That can result in a healthier population. Of course, a healthier population is less dependent on our health care system, which is under great stress. It also provides a much, much better quality of life. The people who really enjoy life are people who are healthy and fit and who eat well.

There are three simple parts to this bill.

This bill, if passed, will ensure that students receive instructions on nutritional standards based on the Canada Food Guide to Healthy Eating and Canada's Guidelines for Healthy Eating. They'll receive that instruction each and every year.

The second part of the bill establishes a committee of the board of education to advise which standards should form part of the subject matter. I think it would be very important to ensure that there is student representation on that advisory board. After all, it was students who brought this bill forward and it is students who will be most affected by this piece of legislation.

The third part of the bill requires schools to post copies of Canada's Food Guide and the Guidelines to Healthy Eating in the cafeteria as a constant reminder of the learning process that students achieved through their high school careers.

This piece of legislation is a well-thought-out bill. It involves three pieces within the legislation, and those three pieces mesh together very well, much like a three-legged stool. If you're missing a piece, if you're missing one leg off a three-legged stool, it gets very wobbly. This piece of legislation is tied together tightly and forms a very solid three-legged stool or a very solid piece of legislation.

All too often in our society, we hear of problems of eating habits that lead to unhealthy lifestyles in young people and quite often not-so-young people, but certainly in the middle-aged and aged of our population, those eating habits were developed in their formative years. Problems such as obesity, which we all know forms all kinds of problems with our heart and our circulatory system and leads to strokes, is something that I think every adult is aware of, and wishes that they had had a healthier eating regime perhaps established earlier in life so they would be able to avoid many of those problems. I myself am one of those people who seem to be constantly on a diet, although I count myself lucky, living in the world we do, that I get up in the morning hoping that I can eat less, whereas most of the world gets up hoping they can eat something. If we're going to have a problem, we certainly have the best of problems.

The second problem that we hear a lot about is anorexia, which, strangely, leads to the same kinds of problems—heart disease, strokes, circulatory problems and a much shortened life. Establishing healthy eating habits that will stay with us throughout our life is important, and the time to teach those healthy eating habits is in the formative years, in the school years.



I'd like to congratulate the students, Nupur especially, for the research they did and for thinking this bill through. Those three pieces of this legislation didn't just happen by accident. The first one fell into place, they thought of the second one, and they needed the third one to tie it all together. So it's a very well thought out piece of legislation. Let me say that there are other pieces of legislation that come before this House that aren't nearly as well thought out. They don't seem to have the logical consequences of the actions thought out as clearly as this bill does, so I congratulate you on that.

I also congratulate your teacher, Ms. Gazan, who obviously supplied some motivation in this area. She obviously supplied guidance in this area as well. For teachers and students together, they have persevered to get this job done and to bring this bill before the Legislature: the first time in the history of this place, since 1867, that a bill such as this has come before this place. I'm sure that this bill will be one of the highlights for the entire class, and especially Nupur, of their school days. Many years from now, she can look back and say, "I brought a bill before the Ontario Legislature." That's something that very, very few people will ever be able to say. So congratulations to the students, to the teachers and to everyone who brought this through, and I can assure you that I'll be here to vote for this bill.

**Mr. Richard Patten (Ottawa Centre):** I want to congratulate Nupur Dogra as well, her teacher, parents, friends and those who helped with this proposal, and the member who is bringing it forward. I also want to say to the member from Nickel Belt, I thought your suggestions and quality of presentation were very well done this morning.

Because of the shortness of time that I have, which is only three minutes or less, I won't get into the detail. I know there are three areas. I'd like to offer the member a few points that he might want to clarify in his wrap-up or look at in committee.

It seems to me that there's some requirement for what kind of instruction we are talking about. How do boards implement it? Is it introduced in health and hygiene classes? Are those elective? Are those required? At what grades do we begin this? Is it to be in classes in itself, or in conjunction with other classes?

For the advisory committees, what are the qualifications of members? Do they employ nutritionists? Do they employ others who can provide advice on this?

Are the positions of nutritional standards solely from Canada's food guide? I would suggest to you that, in the nutritional field, there's a lot of challenge to Canada's food guide and what it lays out in its dietary balance of red meat, etc. That should be considered as not the be-all and end-all and the apex of what is the best of nutritional diets.

So there are many questions about this.

Along the same lines as your bill, I would like to acknowledge, as has the member from Nickel Belt and the Minister of Health Promotion, the program Fuel to Xcell. I won't go into it because it has been described

twice already. Actually, I believe it started in my riding and has moved to numerous schools throughout. What has gone on is alternatives to vending machines, while still making some money for schools that use this for certain extracurricular activities and that kind of thing. The program was piloted and currently is in over 40 schools in the Ottawa area. In my riding of Ottawa Centre, the healthy schools plan that was implemented in 2004 eliminated junk food etc.

Nutrition plays an important role in education and so does physical education. Teaching nutrition in schools reinforces good parenting practices at home. It also addresses the whole balance of what constitutes a healthy human being: body, mind and spirit.

My time is up. I wish I had more. Congratulations. I will be supporting the bill.

0940

**Mr. Norm Miller (Parry Sound-Muskoka):** It's my pleasure to join in this special debate on the Making the Grade program and to support Bill 93, the Education Amendment Act (Nutrition Standards in Schools), 2006.

In the past few years, we've seen a huge increase in obesity in our children. In fact, obesity rates have tripled over the past two decades. This is a huge problem. As the member from Halton pointed out, when you have people who are obese in their youth, it tends to be something that goes on throughout their whole lives. I have a study here which was sent to me that bears out that fact, and I'd just like to quote from it, if I can find the right spot here. I may have to come back to that.

I think the member from Halton made a very good point in that these habits that are established in our youth are very often carried out throughout our whole life, and many other problems come from that, in particular, the cost to our health system: \$1.6 billion to mend preventable obesity-related illnesses.

I want to get on the record in the short time that I have to speak to this bill today a letter I received from the school nutrition action committee of the Bracebridge and Muskoka Lakes Secondary School in my riding of Parry Sound-Muskoka. They wrote an excellent letter, and it says:

"To Norm Miller:

"We are writing to encourage your support of Bill 93, the Education Amendment Act (Nutrition Standards in Schools), 2006. The Bracebridge-Muskoka Lakes school nutrition action committee ... applauds Nupur Dogra for taking this initiative and introducing this bill to legislation.

"It is time to address the poor eating habits of Ontario children and youth. Overweight in young people due to poor nutrition and lack of physical activity is identified as one of the greatest health challenges and risk factor for chronic disease—one that may soon overtake tobacco as the leading cause of preventable death and disease.

"Our committee is comprised of teachers, school administrators, school board trustees, food service staff, parents, students and public health staff. We joined together to address a common concern in our school ... the



overwhelming accessibility of unhealthy food choices available all day long in schools for students and staff.

"Our committee in conjunction with our food service company Aramark is working to make healthy food choices more available, more affordable and more visible in our cafeteria and vending options. We have made great strides during this school year but we need the help of Bill 93 to make nutrition standards compulsory and consistent in schools as well as increase the student knowledge on healthy eating.

"We invite you to visit our school cafeteria to see first-hand what we have been doing to make changes to the food choices and what obstacles are still in our way.

"We are asking for your support of the proposed Bill 93. This bill is one step toward improving the health of Ontario students by assisting in creating a healthy school nutrition environment."

That was sent Steve Kinnear, teacher and chair of the BMLSS school nutrition action committee. I certainly will be supporting that.

I also received an excellent petition showing support for this bill with many signatures from Bracebridge and Muskoka Lakes Secondary School. It was just a copy, so we couldn't deliver it in petitions. I'm looking forward to the original petition coming in the next few days, at which point I'll read it in the Legislature. But it makes the point of how childhood obesity rates have tripled, how we're spending \$1.6 billion on preventable obesity-related diseases, how the Ontario food premises regulation currently only deals with safety policies and not with nutrition and how we need to encourage more nutrition.

In the last 30 seconds I have to speak on this, I would also like, as the aboriginal affairs critic, to point out that this situation with obesity and with the problems related to it, particularly diseases like diabetes, are far higher. I did have a number of studies to back that up, but unfortunately I'm running out of time.

I'd just like to congratulate Nupur and her teacher Monique Gazan on bringing this initiative forward, and I look forward to supporting it.

**Mr. Dave Levac (Brant):** It's a great opportunity to stand today to talk about this, but I want to make a couple of points before we get started.

First and foremost, as I've usually done in this place during private members' hour, I will say exactly what I plan to do. To the member from Oak Ridges, I plan to support this bill. I think it's a good bill. I think it's the right thing to do.

Let's move on to the next point, and that is this: This is history-making. The member from Halton made that point and I want to reinforce it. This is history-making. We've got people engaged in the process that only 103 of us ever get a chance to do. We have now extended that and we have expanded our opportunity to have people participate, in a very straight way and a very tangible way, in our democracy. I want to congratulate the CBC, Mike Wise and, in this case, Nupur and her school and teachers and everybody else. This is a great day for this

place. Again, it expresses my opinion that the private members' time is an opportunity for us to speak without the shackles of any party and that allows us to speak to what we believe the people of the province of Ontario are talking about.

This is an important bill, and that's why I'm supporting it, not just because of the democratic movement but because this is a good bill. It talks about what we should be talking about, and that is our health. Without health, without that opportunity for us to be better as human beings, we are going nowhere.

So let me talk about a couple of things. I am very proud of the moment that we, as legislators in private members' time, passed the anaphylaxis bill for students. We are going to be saving lives, under the circumstances, in schools. We are using that as an opportunity to educate people. Bill 33 is on the docket, and I know the member from Oak Ridges has a bill out there as well on organ donation. Bill 33, which I've asked for, is putting organ donation inside the education system, talking about teaching people about how to give organs to save lives. Those are the types of bills that we as legislators should be very proud of, and I'm proud of this bill. I'm proud to look at the member and tell him that he's come up with a bill, through the input of the people that he's expressed—that we're talking about the health of our students.

Let me tell what you this bill isn't. This bill is not restrictive. This bill is not telling people what to eat. They're educating people about what they should be eating. As an educator for 25 years, I can only tell you that this is the direction we should be going. This bill is not assuming the role of the official parent. This bill is not becoming the parent. It's not doing any of the things that at one time people thought the nanny-state government was doing. That's not what this is about. This is about education. This is about leading us to a better path and a better way.

I commend those members in the gallery and their entire team that put this together, and I would encourage us to make this the norm. Let's make this the norm. Let's say this experiment ends up being a success and decide it should continue.

I support the CBC. My first conversations with Mr. Wise, before we even brought it to the House, were guiding him through the process of how we get the schools involved, how we get the legislators to accept it and what process should be used to incorporate hearing more from people about private members' time.

I definitely support this bill, and I encourage the member to use his authority, his ability, to convince everybody else that we should continue down this path for all students across the province to participate in this place, because it opens it up and it makes it a place where they want to be. Thank you very much.

0950

**Mr. Phil McNeely (Ottawa-Orléans):** There is nothing more important to our caucus than the education, safety and well-being of our youth. That's why we have the Ministry of Health Promotion, and that's why we



have the Ministry of Children and Youth Services. Under Dalton McGuinty's Liberals, \$146 million has been invested annually in order to hire a total of 2,000 additional specialist teachers over the next four years, and part of that focus will be on physical education in our schools.

Under our government, school boards have been directed to provide elementary students with at least 20 minutes of sustained moderate-to-vigorous daily physical activity, and we have allocated \$10.7 million to that. The member for Mississauga East, who was an Olympian, has tried to get that up from 20 minutes to 40 minutes; he's had a private member's bill to that effect.

We've also provided \$20 million to school boards to help them open schools to non-profit community groups to use after hours year-round for fitness programs to make our communities healthier and stronger.

In addition to physical fitness, of course we come to this bill this morning, which is so important. Nupur, you're providing leadership bringing this bill forward, and that's a commendable thing. Good lifestyles, exercise and proper eating were very important in schools when I was young, and that goes back a few years. Fast foods and sugar-filled drinks took over our homes and schools, and we now find that obesity and type 2 diabetes have increased dramatically.

I am particularly proud of what school kids can do. I know that in my own area of Ottawa, there is the Exposé project. High schools in Ottawa submitted 24,000 post-cards to our government—24,000 from just one city—to get the power walls out of retail stores. That change in the legislation was because 24,000 of our youth worked hard to get it.

I like this bill. I'm sure the continued work by youth will lead our government, and incent us as members of Parliament, to legislate change that will improve the lives of young Ontarians. Well done.

**Mr. Kevin Daniel Flynn (Oakville):** It's a pleasure to join the debate today on Bill 93. Many members talked about the content of the bill, and I don't think I have heard anybody who has a view other than that this is very progressive legislation we should take a very serious look at.

I'll also join with my colleague from Halton in saying that a lot of the information we'll hear this morning coming out of this exercise, thanks to the assistance of Mike Wise from CBC, has come from the region of Halton. It's a sign that the public school system and the separate school system in my community are in fine shape. They're producing great students; they've got great teachers and great parents. Certainly I think it says something about the quality of public education, not only in Oakville and the region of Halton but throughout Ontario. Special thanks, of course, to Nupur Dogra, a grade 9 student at Iroquois Ridge High School.

When I talk to young people before they come into the House, I try to prepare them a little bit. I tell them they're going to see a lot of men, they're going to see a lot of grey hair, they're going to see very few women in the House, and they're going to see some balding heads,

mine included, but what they won't see is a lot of young women. What we should be particularly thankful for today is that this initiative comes from a young woman. This was started by a young woman, who, if you read Time magazine this month, is now in fine company. Bill Clinton is saying exactly what you are saying: We need to get serious about nutrition; we need to get serious about the way we treat our bodies as young people, because that's going to pay dividends in the future.

By supporting this bill today, we're allowing it to proceed to committee stage. Any adjustments that need to be made to it, any amendments that could be made to improve it, could be introduced at that point in time. It's wonderful when all the parties are working together. We have to thank the students today for allowing that to happen, for bringing forward such progressive legislation that I think is unarguably some of the best and most comprehensive we've seen in this House. My hat is off to all the students who have been involved, and especially to Ms. Dogra, from grade 9 at Iroquois Ridge, for the wonderful leadership she has shown in this regard.

**Mr. Cameron Jackson (Burlington):** I'm of course very delighted, coming from Halton, as the last speaker does and my colleague Mr. Chudleigh, to be celebrating a piece of legislation that has been presented through the hearts and minds of the youth of our province and our community. Special compliments to Nupur Dogra, the student who was responsible for spearheading this, and to Monique Gazan, a teacher who clearly inspires a class to do better and become more involved and therefore become better citizens.

Personally, I also want to acknowledge that we have with us today from Burlington Gennaro Santoro, our legislative page from Rolling Meadows school, my daughter Michelle Jackson, here job-shadowing her father, and her best friend Michelle Millar. We want to thank the CBC for all of what is happening today. I couldn't have picked a better day for my daughter to be job-shadowing me. Ladies, you can stand up.

We all have agreed this is an excellent piece of legislation, and certainly our school system and our public health departments regionally across this province are to be commended, because there is a concerted effort at doing a better job of taking greater responsibility for our own lives—that's essentially what is at stake here. We want to teach young people, at a much younger age, the importance of taking care of themselves so that they can continue to have strong and healthy bodies, live a full life and continue to contribute. The school becomes a repository of this kind of thinking about good citizenship and good self-development.

When I read this, I was very, very pleased, because this wasn't coming from the top down, in effect; it was coming from the bottom up. There are so many incidents to demonstrate over the years the accomplishments of teachers, school boards and public health officials. I know that in Halton, Dr. Bob Nosal provides tremendous leadership in our community. We have grassroots community organizations that I've been involved in over the



years that have developed breakfast programs in our schools to assist children who leave home in the morning with no breakfast and seldom have any kind of meaningful lunch for reasons of poverty or neglect. Yet the school system, the government and regional authorities try to do work to support that.

Again, I'm seeing clear evidence of work and thought and concern being put into this bill.

I also wanted to say that much has been said about issues of obesity leading to heart disease and to forms of diabetes and hypertension and all those other problems. The corollary is those young men and women—predominantly young women—in our schools who for a variety of reasons, whether it's the bombardment of the media and images of what is deemed to be more attractive in our society, are suffering from eating disorders and the challenges of that. These are taking the lives of our young people at a much, much younger age. I want to make sure that that as well becomes part of the awareness and education of our young people.

I also want to put on record the important ongoing work that the teachers' federations, the departments of health and all ministries of all governments of all stripes in making our schools safer and making them more aware of the importance of this.

I remember that many years ago I was approached by Dr. Karen Scully of Burlington, a dermatologist, who brought a program back from California called Slap! Slap! Slop! It was to help kids put on a shirt and put on sunscreen to provide protection from skin cancer. I went to the NDP Minister of Education and presented it to him with Dr. Scully, and it became the program for all schools in Ontario.

These things can happen when they are grassroots and supported by everyone, and I applaud Iroquois Ridge school, the CBC and all those who had a hand in this, especially my colleague from Oak Ridges.

**The Acting Chair:** That concludes the hour we have for debate on this ballot item. Pardon me; I apologize. The member for Oak Ridges has two minutes to reply.

**Mr. Klees:** I want to take the two minutes that I have remaining to acknowledge the contribution of my colleagues in the debate. I'm very, very thankful for their advice. The member from Nickel Belt made some very good points regarding some existing programs through which I believe we can extend the intent of this bill. We had some recommendations as well from the member from Ottawa Centre that we will take to heart and look forward to working through in committee.

I want to thank my colleagues as well from Halton, Parry Sound-Muskoka, and Burlington for the points they made about how historical this event today is. More important perhaps even than the bill that's before us is the process and the fact that young people have been engaged in the political process. I believe this is an incredible signal to students, to young people across the province, that we have in this province a political process that is open to their involvement. I believe the Legislature, by creating this special session today, is sending a

signal that we want their engagement, that we welcome their input, welcome their advice.

From that standpoint, I thank members. I have heard the expressions of support from all three political parties. We have here before us a piece of legislation—once again, I want to thank Nupur Dogra for her incredible initiative and the support of her family and her school for allowing her to become someone in this province who truly has made history today. Thank you.

**The Acting Speaker:** Now that concludes the hour we have for debate on this ballot item. We will deal with the question on this matter at noon.

1000

EDUCATION AMENDMENT ACT  
(SCHOOL WASTE REDUCTION), 2006  
LOI DE 2006 MODIFIANT LA LOI SUR  
L'ÉDUCATION (RÉDUCTION DES  
DÉCHETS DANS LES ÉCOLES)

Ms Wynne moved second reading of the following bill:

Bill 96, An Act to amend the Education Act / Projet de loi 96, Loi modifiant la Loi sur l'éducation.

**The Acting Speaker (Mr. Ted Arnott):** I'm pleased to recognize the member for Don Valley West.

**Ms. Kathleen O. Wynne (Don Valley West):** I'm proud and happy to rise to speak to Bill 96, an Act to amend the Education Act regarding school waste reduction. This bill, if passed, would ensure that, first of all, every classroom in the province has a minimum of two recycling containers—one for paper and one for plastic and aluminum—and secondly, that every school cafeteria has a recycling facility and that the recycling facility clearly indicates which materials are recyclable and where in the facility the recycling materials are to be placed.

Although this bill stands in my name before this Legislature, I want to acknowledge the interesting genesis of the bill and the people whose energy and commitment have brought it before us today.

First of all, let me recognize Mike Wise of the CBC. It was Mike's imagination that led to the development of the concept of Making the Grade and the idea that it would be a useful exercise for students to attempt to influence the legislative process. There's Mike in the gallery. It was Mike's perseverance and that of his colleagues at the CBC who took this project on and allowed it to flourish. I'm sure there were discussions at storyboards about this project more than once. He has created an experience for the students involved in this project, their schools and the students and teachers around the province who have followed this journey, and he is to be commended. Just before I leave Mr. Wise, I want to say how much I value the existence and the work of our national public broadcaster, which would see the intrinsic educational value and merit in a project like Making the Grade. But I'm not here to talk about the CBC.



Secondly, I want to recognize Laura Hudgin, the teacher from Georgetown District High School who has provided support and guidance to the students who are members of the geography club. She intentionally called this the geography club. She was a geography student and she loves geography, so good for her. She allowed the students to talk and debate and settle on this initiative as the one that they believed was important enough to bring to the Ontario Legislature. From my contact with these students, it's obvious that Ms. Hudgin has created an environment that encourages debate and inquiry among her students. But most importantly, I want to acknowledge the geography club students from Georgetown High who are there in the gallery. I'm just going to quickly read their names, because this was a team effort: Kevin Robbie, Hillary Lutes, Joanna Ho, Jenna Misener, Jessica Holburn, Jen McVicar, Calvin Halaig, Dylan Hickson, Chris Dobson, Rob Weber—who I heard on the radio the other day, yesterday, I think—Justin Bravo, Jamie Gelfand, Amanda Stonebrink, Alison Corbett, Jessica Deshane, Samantha Gibson, Erin Gough, Andrew Noble, Scott Welfare. They are all here, but Kody Lyons, Robin McDonald and Ashley Moffatt could not be here. But they've all been part of this project and deserve a lot of credit. Bravo. These students were interested enough both in the substance of the bill and in the legislative process to meet together, settle on the idea for the bill, meet with the reporter and with me, answer our questions and attend the Legislature—twice now—to track the progress of their bill. They deserve a lot of credit, and I'm reasonably certain that each of them—each of you—will take away something of lasting value from this experience that you've shared.

I want to talk about the substance of the bill and then I'll come back briefly to the process. I believe there's no one in this House who can question the need for increased recycling in our ever more consumerist, waste-producing society. The issues surrounding disposal of garbage are at the top of the list of priorities for urban centres around this province and indeed across North America. Diversion of waste from landfill sites is no longer—as it might have been when I was in high school—a nice idea embraced by activist environmentalists. It's a fundamental necessity for cities such as Toronto that have virtually no readily available landfill options.

This past February, our Minister of the Environment, Laurel Broten—who is very supportive of this initiative and whose parliamentary assistant will be speaking to the bill in a moment—spoke to the municipal recycling coordinators in Orangeville. She talked about our need to learn from the natural world and compared a city to a forest. She said, "A city is no different from a forest. It must not consume its resources too quickly. It cannot afford to simply waste what it consumes. That's just not sustainable.... Recycling is one of the fundamental things that we do to protect our air, land and water resources, and the outstanding quality of life that we enjoy in Ontario."

Our waste diversion goal in Ontario is 60%. The realities of expanding growth and growing population create a strain on our natural resources. One of our goals, in order to manage that strain, is to increase the rates of reuse and recycling. Part of that goal must be to expand the municipal blue box program. According to the Ministry of the Environment, waste diversion rates have gone up in the province. More than four million households now have access to recycling. Over the past 10 years, there has been a 74% increase in the total amount of recovered recycled material.

But our work is not done. When the Georgetown students looked at the recycling practices of schools across the province, they discovered that our practices are uneven from school to school and from board to board. Every classroom didn't have the recycling in place and every cafeteria didn't. So they realized that there was more to be done. In fact, the majority of the statistics available on recycling referenced households, not institutions, and the most visible and consistent use of the blue box is on the sidewalk outside single-family dwellings. I know, even from my own riding, that it's much more challenging for people living in multi-residential housing and in institutions to recycle. That's where we need to focus. That culture of recycling, reusing and conserving is something we all want to embrace, but the post-war generation, of which I'm a part, and our children do not have the habits of moderation and restraint that we have to learn. Ontario's track record: We're doing well in comparison to the United States, for example, but we're well behind the Netherlands, Denmark and Belgium. We still generate in the order of 12 million tonnes of solid waste annually in Ontario, and each Canadian throws away approximately half a kilogram of packaging daily.

That's not good enough. The Georgetown students understood that, and they understand that their generation will have to push us. They were the ones who got us started on the blue box program and they're going to have to continue the job.

**1010**

I sincerely hope that this Legislature passes this legislation and it becomes law, but even if that doesn't happen, if for some reason that doesn't happen, our awareness has been raised. This exercise has not been wasted. The profile of the issue has been raised and I really believe that everyone in this Legislature will be a more attentive advocate because of the work that the students from Georgetown have done.

I want to come back briefly to the process that has brought us to this point. As someone who has spent most of her working adult life in schools in one capacity or another, I believe that as a society we often and frequently underestimate the seriousness of our students. We underestimate their ability; we underestimate our children's ability to take issues seriously and to take part in what we might call adult debates. It's my experience that it's quite often the case that young people are the most able to take part in those debates.



As a politician, I can tell you it's much easier for me to predict and deflect the questions that come at me from another adult or from another politician than it is to predict the questions that grade 5 students will pose, and there's no deflecting those honest, guileless questions: Why don't we fix poverty? Why don't we deal with homelessness? Why don't we clean our water? Those are the questions that young people ask us, and those are the questions that we have to be considering.

That has been the value of this exercise for us as legislators. Students, with the ability to take responsibility for their ideas and with the ability to see a problem clearly and to see a gap, have said, "Why are you not doing something so obvious?" In this case we've said, "Actually, you're right. We should be doing that," so we've come together to do that.

The British educator John Abbott talks about the development of the human brain, especially early adolescence. He maintains that we as a society miss a golden opportunity to educate if we don't allow adolescents to take responsibility and to do real things in order to learn—not a hollow practice, but a real exercise with consequences and inherent rewards. I think Making the Grade has been a perfect example of that kind of exercise.

I hope there have been personal rewards for the students. I hope you have a deeper understanding of the democratic process. You've brought out the best in us in the Legislature. We've come together to debate this issue and we're going to be voting together to support your idea. I hope that at least some of you will consider taking part in the legislative process yourselves, will consider politics. But for the next few years, I hope that you take seriously the issues around you, that you continue to consider seriously the issues that affect your lives. That's what politics is about in the most local sense. That's what leads people, in the best way, to take on politics at either the municipal, the provincial or the federal level.

I'm greatly indebted to the students of Georgetown for allowing me to be part of this exercise. Thank you for your commitment to the environment. I look forward to support from all parties for Bill 96.

**The Acting Speaker (Mr. Michael Prue):** Further debate?

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** I am pleased to be here today to address Bill 96 and to commend the students from Georgetown District High School's geography and eco club who are here today, and to their teacher Laura Hudgin for being here and for initiating the process. It's a wonderful idea and we need to engage more youth in our political process in what we'd like to move forward.

Mike Wise is here from the CBC. This was his brainchild, to make Making the Grade. I know that there were 160 submissions that had to be narrowed down to three. That would probably be a very tough thing to accomplish, to narrow it down to three, because I think we have really bright, innovative students. It's a tremendous chance for these students to learn more about

how legislation evolves and what they can do to contribute to that. So we're all anxious to find ways to encourage young people into this political process, and this is a great opportunity for them.

In the bill I'm debating now, the school waste reduction, it is a requirement of every classroom in Ontario to have at minimum two recycling containers—one for paper and the other for plastic and aluminum—and every cafeteria in Ontario should have a recycling facility that prominently indicates materials acceptable. The classrooms that are to be initiated for these recycling containers are required to have adequate recycling facilities that delineate materials that are acceptable. They're to be properly marked.

I think this is part of engaging and educating our youth. I hear many stories of young people in the schools who get educated and go home and help their parents; they educate their parents on what we'd like to promote. Recycling is certainly one of them. The target is 60% waste diversion in Ontario. I know the dates keep changing for when that is going to be accomplished, but for today this is an initiative we want to move forward on as quickly as possible, and to recognize that the students are right on the mark.

Statistics from an Ipsos Reid poll in 2005 say that "Eight in 10 Ontarians (85%) feel that managing and disposing of our non-recyclable garbage should be a priority for the provincial government. Of those, 47% feel it should be a major priority, and 14% feel it should be a minor priority." But 84% of "Ontarians feel that we should be recycling more than we currently are." I think the students have picked a topic that is very hot and progressive in society. They're hitting what society wants to move toward and they've learned the legislative process. They've got petitions, which I know are posted on the CBC website under Making the Grade. They've done it properly. They have contacted names and they're getting public support. I think those are great initiatives in finding out how this brings attention in the Legislature and how it gets to be foremost of mind.

According to the Environment Canada website, paper and paper products account for more than one third of the materials discarded into Canada's municipal waste stream, and it's estimated that less than one quarter of the six million tonnes of paper and paperboard used annually in Canada is recycled. So it only makes sense to reduce and reuse the large volumes of paper and paper products that are used in the school system. The recycling of paper in schools makes sense to help reduce landfill space. I know that the paper we see in our offices as legislators is enormous, and I have great guilt feelings about all the paper we use. The fact that it is can be used in a recycling process compensates for some of that. The more waste that we reduce, reuse and recycle, the less pressure there will be on our landfills and our precious natural resources.

Waste reduction is everyone's responsibility. The students and teachers of Georgetown District High School have recognized that. I commend them for their



efforts toward waste reduction. They set an example for all of us that we should follow and they have encouraged us to move this forward. I want to thank them today for the opportunity to speak. I know that many of my colleagues want to participate in this debate, Mr. Speaker, so I will thank you for the opportunity and let them carry on.

**The Acting Speaker:** Further debate? The member from Hamilton West.

**Ms. Andrea Horwath (Hamilton East):** Thank you very much, Mr. Speaker, and it's Hamilton East.

It's my pleasure to speak to this bill, Bill 96. You'll know that in a little while I'll be introducing a bill as well. I've had the privilege and the honour of working with young people on this project. Members have already commented on the work of Mike Wise from the CBC in his bringing this forward, but of course I wanted to mention that as well.

I was thrilled when I found out which topics generally we would be moving forward with in terms of amplifying the voices of young people in the province. The project does more than just bring these bills forward. I'm going to get more into that in my own remarks later on, but I think it's important to acknowledge that this bill not only brings the issues forward, but it also engages young people in our province in the political process. Certainly I have learned a great deal from them. These young people are very interested and very concerned about what is happening in the province they live in, the province they will one day be responsible for in a more fulsome way.

What I think this bill does particularly is show how important they think it is to be involved in the stewardship of the province at this very time, while they are in high school, and that is extremely laudable. It's something that I think we all have to acknowledge. It's our hope for the future really when you think about our environment specifically.

1020

Having worked a great deal on environmental issues in my own community, coming from a heavily industrialized area of the province, I know that environmental issues are often things that people think are just too big to tackle, that the issues are too massive, that they are too difficult to actually wrestle to the ground. What these young people are telling us is that not only are they not too difficult, not only are they not too huge, not only are they not too unattainable, but that in fact they are prepared to get extremely involved and to ensure that we as legislators are putting the tools in place that they need to be able to participate fully in protecting our environment.

How are they doing it? Well, by Bill 96 which basically requires, demands of school boards the necessity of putting the tools in place within the schools to make sure students have the ability to do the right thing by the environment, to undertake recycling in the schools. I have to say that when I look at the bill, it's very clear that the students want to make sure they are not contributing to our ongoing pressures around garbage, that in fact they

are doing the opposite, that they are helping, that they are doing their part, and that they are doing their part in their own school and are making sure their fellow students across the province are given the same opportunity.

I commend the students for bringing this bill forward because, in my opinion, it is where we have to start. I have a son who is 13 years old and is just finishing grade school, and although they have recycling bins in every classroom, often when I go I go to meetings at the school, not that he generates a lot of unnecessary meetings at the school, but when I go for the open houses and things with my son's teachers, I notice a couple of different things. In some classrooms, the recycling bins are overflowing. Those classrooms are obviously doing a great job in terms of the recycling of paper products. Other classrooms are not so effective at it. So I think that along with this kind of initiative of providing more opportunity for recycling, not only in classrooms but in cafeterias, we need to make sure we are getting the message out there about how important it is.

It's one thing for us as adults to try to tell young people and children, to try to encourage them and get them moving in that direction in terms of recycling, but it's quite another when their own peers, fellow students are setting the example, when the message is coming from colleagues or from other students as opposed to coming from adults. I think that if there is one thing that is of extreme value in this particular process, whether it's about this bill in terms of recycling or whether it's the bill we've already debated in terms of foods in cafeterias, or whether it's the next bill we're going to be debating, the bottom line is that when it's young people speaking to young people, I think the message will be received in a much more positive way from other students who are facing these same kinds of situations in their schools.

The issue of recycling is one that everybody is aware of. In Toronto, of course, it's a heightened awareness because of the garbage that is being trucked out of the city because the solutions still don't exist in terms of dealing with or handling Toronto's garbage. What are the solutions? As we continue to generate more waste, our solutions are basic: landfill, or the other one that is coming down the pike, and people will know this, incineration. I can tell you that from my community's experience, we closed an incinerator not too long ago in our city. It was the largest producer of dioxins in all of Canada, and in my community, the actual community I represent, Hamilton East, residents there have ill health effects as a result of the dioxins that were spewing out of the smoke stacks of SWARU in Hamilton for years and years.

We have higher cancer rates in Hamilton. We have all kinds of health effects. Asthma: As everyone knows, in most communities there is a general trend of increased asthma because of smog, and greenhouse gasses of course are the culprit there. But nonetheless, the issue of incineration is one that I know will be before us in a more full way.

If we are reducing, recycling and composting, and we have broad organics programs community across com-



munity in Ontario, then we have less pressure to undertake solutions that are distasteful to us, like incineration and trying to site or find new landfill opportunities in Ontario. So it comes down to the management of solid waste. What these students are saying is that they are concerned about this. They want to make sure that solid waste is dealt with, and they are going to do their part not only in their own schools, but by bringing this legislation forward and encouraging other students to make sure they are doing it as well, and in fact to require that their school boards partner with them in that endeavour. It's a very important piece.

I want to just end by saying that the students who got involved in this are true leaders and we look forward to the days when we are flipping the channels and we see you in these seats debating legislation in the province of Ontario. So congratulations to everybody who has taken part. I look forward to participating in the debate for the rest of the morning.

**Ms. Jennifer F. Mossop (Stoney Creek):** It is with great pleasure that I rise today to support Bill 96, an initiative, as has already been mentioned, that came from Mike Wise at the CBC. I have to tell you, I worked for 20-odd years in journalism, in newsrooms, and it is not easy getting a story idea through assignment editors, because you're competing with dozens of other ideas and of course all the news of the day. So congratulations to him for pitching this idea and making it a reality, and to the Georgetown High geography club for running with the ball and coming up with something that is tremendously valuable.

I'll tell you why it's valuable, as we've heard from a number of people. I grew up in a culture of waste. When I was growing up, everything we had, every piece of paper, every little mechanical device that we were done with, we threw in the same plastic garbage bag, and it got hauled away by the garbage man and we'd wave and it was all very nice and pleasant. I learned about recycling and reuse through my grandparents and my aunts and uncles who had lived through depressions and wars and who truly understood the value of resources because they went through periods of time when those resources were seriously strained and their value was really recognized and there was rationing. They were given much less to use and they had to use it in a very creative way, and they recycled. I remember my grandmother would always have a large jar of leftover string and elastic bands on the kitchen counter. Everything was saved; everything was reused. Extra pieces of foil were saved. I remember my grandfather—boy, he could really stretch out a paper napkin, let me tell you. It would be there a couple of days and we'd have to tell him, "I think it's time you threw that one out."

We have learned the value of these resources now partly because of the growing demand on them through the growing population. We now understand that our resources are limited and the population is forever growing, so we need to treat them a little bit differently. But we still have a problem in that we have a really

disposable society. You go along the streets and you see all this litter and paper packaging all over the place. These things are still disposable. Some are recyclable, but a lot of people just toss them out when they're done. The answer to the problem really is going to be recycling, and the time to learn it is when you're in school and when you're young. It's the time to learn the intrinsic value of recycling to the sustainability of our society and of our species. In fact, that's what it is. What you are bringing to the table is something that's very sensible, something very real, something very basic but very valuable to the sustainability of us as a species and as a planet.

I thank you very much and applaud all of you who have been involved in this, Ms. Wynne for bringing it forward and giving a great speech this morning, and all the other speakers.

**Mr. Ted Chudleigh (Halton):** I'm pleased to rise on Bill 96, the school waste reduction program that is brought to us by the geography club of the Georgetown District High School, another bill this morning that originated from my riding. Two out of three: That's not bad for Halton. Of course, it's what we expect from Halton; we expect the very best. I welcome the geography club here this morning to share in this.

It's an interesting piece of legislation. It speaks to students' concerns over the environment and what we can do to lessen the effects of human habitation on our ecosystem. This bill, if passed, will require boards of education to do two things. One, it will ensure that every classroom has two recycling containers, one for paper and one for plastic and aluminum. This will help divert waste from landfills and also develop lifelong habits.

Personally, I can remember 20 years ago starting the recycling program—I lived in Mississauga for a short time then—and we had one container. Now I'm up to three containers. One of the members from the Georgetown geography club can substantiate this. Justin Bravo is my neighbour, and I'm not sure if he checks out my recycling every other Tuesday morning, but he could. I have three containers out there for those things, and I could easily have five if you wanted to separate out the containers for plastic bottles, metal containers and aluminum containers.

1030

The second thing that this bill requires is for the board to ensure each cafeteria has a recycling facility which clearly indicates which materials are recyclable and where each is to be placed.

This bill, if passed, over time will make some of us think about the consumption culture, how we use things and how we throw them away, as the former speaker just mentioned.

In my grandfather's day, which might be 80 or 100 years ago, there was little waste. What was disposed of often was done in a careless or haphazard way, which could result in future pollution. They did that out of ignorance. They didn't realize or understand the consequences of what their actions were. In my father's day,



say 40 or 50 years ago, the consumption culture was beginning to take off. We were producing dioxins, PCBs, CFCs, and few people sounded any concern about what we were doing to the environment in which we were living.

The first time the warning bells rang for me was in 1961 when Rachel Carson published her famous book *Silent Spring*. Incidentally, that's still a good read. From that time, more and more people in every facet of our society became aware of the habits a careless community had developed and the destructive nature of those consequences. Our grandfathers didn't know. Our fathers began to know. But we in this society do know, and we understand very clearly the consequences of our actions. It is up to us, both the generation that sits in this Legislature and the students in the gallery. It is up to us to begin to carry on the task of first stopping the degradation of our ecosystem and, secondly, of cleaning up the mess. This can't be done overnight, but in this way we could leave an environment in better shape than we found it for our children and our grandchildren.

This bill, in its own way, starts that learning process at an early age, when life habits are formed. It begins the habit of recycling.

I congratulate the students of Georgetown geography club. It's a great initiative to bring forward this bill and to actually have this bill reach the Legislature. It's the first time, I think, in Ontario's history that this has actually happened, and this is something where, when you're my age, or perhaps not quite my age, you will look back on your high school experiences and say, "Yes, we brought a bill before the Ontario Legislature." If you have experience in Legislature activities and bills coming before the Legislature, you'll say, "Holy mackerel, that was really something. Imagine, we did that when we were only kids." This will be an experience that you'll look back on for most of your life, and I think it will be a very positive one, particularly if we see fit in this Legislature to pass this bill, which I will be very pleased to vote for and support in every way I can.

**Ms. Shelley Martel (Nickel Belt):** I too appreciate the opportunity to participate in this debate this morning. I want to indicate at the outset that I support the bill that's been put forward by Ms. Wynne. I want to recognize the work that has been done by the students who are here today and congratulate them both on their initiative and on seeing it through in terms of the research that was necessary to bring this forward in a proper way so it could be presented here in the Legislature. I'm glad to see they could join us in the Legislature this morning as well to see the bill debated.

I've also spoken in favour of an earlier bill, Bill 93, and will of course be supporting the next bill that's coming forward by my colleague Ms. Horwath, Bill 95, the Employment Statute Law Amendment Act, which would inform students of their employment rights, also a very important bill in terms of ensuring that young students, students who are going into Ontario workplaces for the first time, have all the information that is

necessary to allow them to make informed choices about the work they are going to do, to make sure they have the training necessary to do the work they have to do and make sure they understand they have the right to refuse to do that work if they feel their employer is putting them into an unsafe work situation. So I appreciate the work that's been done on all three by students from across the province and look forward to seeing these bills passed as well.

Now, this may sound a bit strange, but it does seem strange to me that a bill like this has taken so long to get here, and I say it in this respect: This is not to undermine students. It's not to undermine teachers. It's not to undermine custodial staff, and it's not to undermine board staff. But when you think about it, schools have, for a long time now, been at the forefront of teaching the three Rs to our students.

There certainly was a time when our grandparents—and I can speak very vividly about my grandmother, who was at the forefront of recycling in her kitchen, who had a composter at the bottom of her vegetable garden, who used to use her nylons to hang up the vines for the beans and the peas, who used to freeze her nylons so she could use them again, as a matter of fact. We used to do a number of things with respect to reduce and reuse—I see people nodding their heads. This is what I remember from my grandmother.

There was a period of time, when those who had gone through the Depression—and she was one, and who wouldn't have thrown away anything, much less food—to a period of time where our parents and indeed me, as a generation, just lost all that and didn't have a respect for that and didn't practise those kinds of policies and indeed just became so used to buying stuff and throwing material out left, right and centre, not composting, not dealing with food scraps, that we really lost a whole period of that opportunity.

Then schools really made it a focus to start to teach young people about the three Rs, about reducing, reusing and recycling. I look at my kids today, and my kids are big promoters of three Rs. My kids are going through our blue box to make sure that everything is clean before it goes in. They are making sure that the toilet paper rolls are going in. They are really clear about contributing their part in this effort.

Last Saturday, my son and I were coming back from the vegetable market at the corner of Logan and the Danforth, where we buy our vegetables. There is a school that we have to pass, and along the school there are beer bottles, because this is where some of the kids—not the kids from the school, obviously, but some other kids in the neighbourhood—spend some of their time on Friday nights. So there are empty beer bottles and there are empty juice bottles and pop cans and the whole—and he decided we were going to pick them all up on our way home. I'm already carrying two bags full of vegetables and fruits and trying to accommodate him as he's picking up all the stuff. He says, "Mom, look at all these litterbugs. Who would litter like this?"—my eight-year-



old. By the time we reach our house we have a whole bunch of stuff for the blue bin, both for the plastics and for the bottles and other paper goods that were going into that bin outside. So he's really into this, and this comes from us supporting that at home, but really from what he has been learning in school.

Then he's on to me yesterday about getting a composter. I'm not too excited about getting a composter, because we participate in the green box program and it's hard enough with the green box program in the city to keep the raccoons out of the green boxes. So I'm not so interested in becoming really involved in composting because I don't want to see the composter chewed up by the raccoons. In a previous house we lived in, that's exactly what they did, in a house that we rented. I'm trying to convince him that if we just do our bit with the food scraps in the green box and we put that out appropriately on Friday morning, we will be doing our bit. So I'm hoping that I have him convinced of that.

I have to say, after having said all that, isn't it strange that the school environment where my kids were taught all of this, and so many other children were taught all of this, is now in a position where we're going to mandate them to think much more seriously about recycling on school grounds and on school property? It's a bit of a contradiction when you think about schools being a leader in teaching kids but not having the facilities in place in the school environment to actually make that happen.

I think of our school, where my kids are, on Fridays: pizza day. When you drive up to the curb on Friday afternoon, there are boxes and boxes and boxes outside—all of the empty pizza boxes from the Friday afternoon pizza lunch. These are things that we should be squishing and folding up and tying up, and they should be kept somewhere in the school until the proper recycling day so we can really take them out to the curbside at that time and get rid of them. Right now, they're all over the sidewalk, and parents driving up run the risk of driving into them sometimes. You're trying to make your way through all of the boxes to get in to pick up your child, either from the school or from the daycare, and it's a heck of a mess, through no fault of the school but there just isn't anywhere else to put the stuff.

Hopefully, things like this, initiatives like the ones that are outlined in this bill, are going to deal with this problem, not just at our school, which is trying to make efforts in other senses but just doesn't have the space to keep all of this and store it properly, and at other schools across the city and across the province.

1040

So I'm supportive of this bill. I'm very glad that the students brought it forward. But I just note that it's kind of strange that it has taken so long for a bill that is so important to come forward when, through so much of the last number of years, schools have been fundamental in promoting and ensuring education in the three Rs. For those schools that don't have these things in place right now, I hope it will be in very short order that school

boards respond positively and get the recycling facilities in place, both in the schools and in the cafeteria, and in that way we can really say that we are doing all we can with respect to the three Rs, not just in our homes, as many of us are and as many of our kids are prompting us to do on a daily basis, but also in the very school environments where our students are being taught all of these important things.

So I support the bill. Again, I want to thank the students from Georgetown for bringing it forward and Ms. Wynne for putting it forward as a private member's bill today.

**Ms. Monique M. Smith (Nipissing):** I'm delighted to join in the debate today in support of Mrs. Wynne's amendment. I want to congratulate Mike Wise of the CBC and the Georgetown District High School. Good for you to all be here today to celebrate your success in moving this forward. To teacher Laura Hudgin, congratulations to you and to your entire geography club. It's great to have you here to celebrate today as we all debate your resolution.

I don't have a lot of time, because my colleagues are very excited about this and want to talk about it, so I am going to keep it brief.

I think we all understand and recognize that recycling keeps Ontario communities safe, clean and livable, and that it doesn't just save landfill space but cuts down on air emissions, reduces the risk of potential ground and surface water pollution, saves energy and cuts down on greenhouse gases.

But recycling doesn't just happen; we have to make it happen. The amendment you bring forward today in providing containers will not only raise awareness for students but will also make it easy for students, and that's what makes it happen.

I want to point out three examples of raising awareness and making it easy that I think are contributing to recycling in all of our communities. In my community, in East Ferris, which is part of my riding, they recently went to curbside recycling. You used to have to take your recycling to a recycling centre. It's a rural community. Now they've gone to curbside recycling. In the first two months they diverted more waste from the landfill than they normally would in a year. They predict that 250 tonnes of waste will be diverted from the local landfill over the course of the first year. That's really exciting, but that's the result of making it easier for our residents. When we provide them with the resources, they are able to do the recycling that we know is so important.

As well, in North Bay we recently had a contest in our schools to raise awareness about recycling. We challenged local schools to build something creative using juice box containers. My local school, E.T. Carmichael Public School, won first place. They built a metre-high tree using 2,000 drink boxes that they had collected over seven days. They went through 200 glue guns putting it all together. Our Lady of Fatima took second place, and Pinewood Park Public School took third place. This contest was hosted by the city and Tetrapak Canada, and



it raised awareness of what could go into a blue box and how we should be moving forward with our recycling.

Your resolution will make sure they can recycle those drink boxes at school, because the containers will be available.

Just recently, if anyone has paid attention around this building, you'll have noticed that our building here, Queen's Park, has adopted new recycling and garbage containers in the hallways. They just came out this week, which may actually be a result of your amendment. I don't know; we'll have to ask the Sergeant at Arms. Suddenly this week we have new garbage containers that allow us to recycle glass and plastic and garbage. Congratulations to you for raising awareness for everyone, including the people in this building.

I certainly support this resolution and thank you for the opportunity to speak to it today.

**Mr. Ted Arnott (Waterloo-Wellington):** I'm very pleased this morning to have this opportunity to speak in support of Bill 96, the Education Amendment Act (School Waste Reduction). I want to compliment all the members who have spoken to this issue this morning, especially the member for Halton, who ably represents the town of Halton Hills, and Georgetown high school. I thank them all for their presentations.

If passed, Bill 96 would improve recycling in every classroom in the province of Ontario. This is a policy and a principle that I would encourage every member of this assembly to support enthusiastically. I am most grateful to the students at Georgetown District High School who worked to make their ideas a legislative reality, because this bill is really their idea.

This morning's debate is extraordinary, for this is the first time, to the best of my recollection, that we are debating three private members' items in one morning. Usually it's only two, and only on Thursday. With this unique Wednesday morning debate and our regular private members' session tomorrow, we will have debated five private members' ballot items in one week. This is a good thing.

This debate is also an advancement for Ontario's young people, our students and for the Ontario Legislature as a whole. The progress that we can proudly mark today is that all three of the bills before us have been recommended by students from high schools. For that achievement, I want to thank Mike Wise, the reporter from CBC television. He has quite successfully promoted involvement and participation by young people in our democratic system through a CBC program called Making the Grade.

The bill we're debating right now was sponsored by the MPP for Don Valley West, a member of the Liberal caucus; the bill that preceded this debate was sponsored by the MPP for Oak Ridges, a member of the Progressive Conservative caucus; and the next bill to be debated at 11 o'clock is sponsored by the MPP for Hamilton East, a member of the NDP. I want to thank all three MPPs for their support and encouragement today. Having all-party involvement, I think, is good politics. The process is truly

non-partisan, for your ideas and your ideas for solutions can cut across party lines. This debate is more inclusive because we MPPs, at least on this side of the House, by our caucus tradition, usually have free votes on private members' bills and resolutions. This means that no MPP should feel that he or she has to be guided by the party lines or whipped to vote in a certain way.

I want to draw attention to the exceptional work that is being done by Georgetown District High School. The students in the geography club made their ideas known about how to expand recycling, and they put those ideas into Bill 96. For the efforts these students made, I want to extend my appreciation and sincere congratulations. These students are very fortunate. They are fortunate to be learning with Laura Hudgin, the teacher and adviser for the top-notch legislative work that is being done by the geography club. These students of Georgetown District High School are well on their way to achieving excellence with Bill 96. I'm scheduled to meet with the geography club on May 23, and I'm looking forward to having the chance to listen to their ideas and hopefully answer some of their questions.

One of the best paths to excellence in the protection of our natural environment is to always be looking for new ways to improve the systems, our laws and how we encourage people to make better choices. I was also fortunate to have the experience of serving as parliamentary assistant to one of Ontario's best ever Ministers of the Environment, the member for Kitchener-Waterloo. Shortly after the Walkerton tragedy, she was appointed to serve as environment minister, and she provided strong leadership that Ontario needed for safe water, clean air and sound waste management. For this Minister of the Environment, excellence always meant striving to improve our way of doing things.

The geography club is doing just that with their initiative to improve the four Rs of reduce, reuse, recycle and recover. They are showing leadership by example. They propose to bring sound environmental policy from their classroom to all classrooms across the province. Bill 96 will improve our system by ensuring that each and every classroom has at least two recycling containers, one for paper and one for plastic and aluminum. It also stipulates that school cafeterias will have recycling facilities with clear indications of what is to be recycled and where.

This reminds me of the spirit and principle that motivated another piece of legislation that I had the opportunity to support in this House. As mentioned, I served as parliamentary assistant to the Minister of the Environment from the spring of 2001 to the spring of 2002. One of my legislative responsibilities on behalf of the minister included helping with Bill 90, the Waste Diversion Act.

To explain Bill 90, I'd like to quote from Hansard the statement that the Minister of the Environment of the time made as she introduced that historic piece of legislation on this House on June 26, 2001:

"This important piece of legislation would establish a permanent, non-profit organization run by industry and



municipal representatives to develop, implement and fund waste diversion programs in Ontario. This legislation firmly establishes a partnership between industry and the municipalities and lays out the framework for a recycling system that will serve this province for years to come."

So it's clear that our party when in government was embracing the concept of recycling and wanted to move forward to encourage greater recycling. Certainly the spirit of what the students have proposed today follows along those lines. With that constructive advice, I want to close my remarks by thanking again the students, their teachers and all educators at Georgetown District High School for their leadership. I wish them every success and urge all members of this House to support this bill.

1050

**Mr. Kevin Daniel Flynn (Oakville):** It's a pleasure to rise today in support of Bill 96. I want to pay particular thanks to the member from Don Valley West, Kathleen Wynne, who has worked with the young people from Georgetown high school to get the bill to the point where it is today, where it's before us for our consideration.

Once again, without bragging, the region of Halton District School Board has something to offer in showcasing the talent of its teachers and its wonderful students. Georgetown is actually in the town of Halton Hills in the riding that is represented by Mr. Chudleigh. When you think of Halton Hills, you think of the escarpment, conservation areas and a pristine environment, and yet quite often today the way we treat our environment, we are putting those types of areas at risk.

It's wonderful to have a fresh set of young eyes on issues like recycling, landfill sites. If you'd asked the average member around this House prior to the introduction of this bill, "Is there a recycling bin in every classroom in Ontario?" I think most of us would have said, "Well, probably there is, or if there isn't, there should be." The fact is nobody has done anything about it, and with a fresh set of young eyes, some young people from Georgetown have decided to do something about it, and I think they are to be commended.

If you look at any time we've changed behaviour in our society, we've done it through young people. When we were talking about drinking and driving, talking about recycling, blue box initiatives, preventing smoking, we haven't gone to the old fuddy-duddies who can't change their minds any more; we've gone to young people who still have the ability to take in some common sense these days and can relay that common sense back to us as parents or as older people.

We're facing some pretty serious problems with the environment in this country and on this planet. If you look at things like greenhouse gases, global warming and climate change—we, in this House, talk about emissions from generating plants: Should we be closing coal plants? Should we be keeping them open? Should we be burning natural gas?—there are a variety of issues that we face as challenges on a daily basis here. Some young people from Georgetown have brought us forward a very

practical solution to those. I think it's a great idea. It goes a long way towards encouraging people not to use up the capacity in the landfill sites, to in fact use those materials over and over again.

I still don't understand why in Halton we get garbage pickup once a week and we get recycling every two weeks, when you'd think it should be the other way around. With more initiatives such as we're hearing from Georgetown high school, that will probably be our future.

**Mr. John Wilkinson (Perth-Middlesex):** I also want to commend the CBC, Mike Wise and my good friend the member for Don Valley West for this initiative and to say welcome to Georgetown District High School—home of the Rebels is my understanding. It's wonderful to have you here, and how aptly named you are, because you are forcing us here of our generation to deal with this issue.

There's a famous saying from the Lakota tribe, First Nations, that says we do not inherit our natural environment from our grandparents, we just borrow it from our grandchildren, and that wisdom is something that we always have to remember in this place.

I was speaking to my son, Breen, who's in grade 6 at Jeanne Sauvé Catholic School in Stratford. I said, "I have to debate a bill about making a blue box mandatory in the classroom." He said, "Daddy, we already do that." At their school, there's a blue box in every classroom and in the lunchroom. The question here—and this is what's been raised by our friends from Georgetown—is whether it should be in every classroom. This is what the Legislature is all about.

I say to the young generation here that Theodore Roosevelt was President of the United States at the beginning of the last century—and I quote this for my good friend the Minister of the Environment, who can't be here today and asked me to speak in support and share her support with you—"I recognize the right and duty of this generation to develop and use" our natural resources, "but I do not recognize the right to waste them, or to rob, by wasteful use, the generations that come after us." What I would say is that, unfortunately, we have not fulfilled the words of the late Theodore Roosevelt.

The 19th century was the industrial revolution. Our society rose to that challenge about how to harness our natural resources. The 20th century was the technological revolution where we were able to embrace the microchip. We learned how to split the atom, how to vaccinate children and to have better nutrition and sanitation. We've raised longevity, lifespan, but we're not sustainable. The challenge for your generation, I say to our friends from Georgetown, the great challenge of the next century, that I am sure you will be ready for, is, how do we as a society become sustainable? How do we fit within our natural resources? How do we reduce our footprint? How do we get in balance with nature? Because nature is telling us that we are not.

I want to commend you for your work and I look forward to supporting, with all the members in this House, I'm sure, Bill 96.



**Mr. Khalil Ramal (London-Fanshawe):** First, I want to commend the member from Don Valley West for sponsoring this bill. I think it's a very important bill for all of us in the province of Ontario, especially when we are dealing with students. As you know, I was a teacher at one time in my life, in my career. I think it's important to teach students how to behave, how to conduct business on a daily basis. I believe the school is the most important place to help our students to learn and to have a vision for the future. I think this is an important task, especially when dealing with waste.

With the new technology, with the new life we live on a daily basis, all our food and all our stuff is packaged and delivered in cans, boxes, wrappers—many different materials. If we don't manage it, we are going to have a problem—we have a problem today. We have to find a way to recycle this material and reuse it, rather than send it to the garbage, rather than throw it outside in the schoolyard, rather than put it in our backyard and many different places. We cannot afford that, because we are obligated at the present time, as the people of this province, to protect the environment and set an example for the future—our future. I think some important lessons should be taught and learned in the schools: to create two containers in school classrooms to help the students divert their garbage, one for cans and one for paper, so we can recycle and reuse again; and also for the cafeteria to have a recycling bin; and to insist that our task as a government, as an environmental people, as a city, is to manage our waste.

I think it's a very important bill. Whoever thought of it, the school, sponsored by the member from Don Valley West—it's a very good initiative and therefore I'm going to support it. I'm looking forward to seeing all the members in this House support such an important initiative, especially when it comes from students. We should encourage many different students to take the same steps toward helping us as a province, helping us as a community, to contain and control our waste. Because our duty for future generations is to protect them and ensure a safe environment.

**The Acting Speaker:** The member from Don Valley West has two minutes for a reply.

**Ms. Wynne:** I just want to follow up on a comment that was made by the member for Nipissing. She checked with the Sergeant at Arms and assures us the Legislature has been recycling for eight years but that we just got new bins. So it's even easier for us to recycle now in the Legislative Building.

I agree with the member for Perth-Middlesex that, arguably, sustainability of the environment is the number one priority for this generation going forward, the number one issue that we need to confront. But as the member for Halton said, we know the issue but we haven't done enough. And the member from Nickel Belt identified that isn't it strange that we have to deal with this issue, because the Georgetown students found that recycling is inconsistent across the province in our classrooms, in our boards. So it's absolutely necessary that we confront this.

The member for Stoney Creek talked about the practices of our grandparents. I have literally boxes of linen handkerchiefs in my home. I don't think my grandparents ever used a paper handkerchief, a paper tissue. We are having to go back to practices that were sustainable, and we can learn from that previous generation. I know that many people in the Legislature probably have switched from paper napkins to cloth napkins. Those are the kinds of things we have to be thinking about as we reduce the amount of waste that goes into the recycle bins and into our garbage.

I look forward to supporting this legislation. I appreciate the support from all sides of the House, but most importantly, I look forward to there being, in every classroom in Ontario, two recycle bins at least, and in every cafeteria a receptacle for waste and waste diversion, thanks to the students of Georgetown District High School. Thank you very much for your time this morning.

1100

# EMPLOYMENT STATUTE LAW AMENDMENT ACT (INFORMING STUDENTS OF THEIR EMPLOYMENT RIGHTS), 2006

## LOI DE 2006 MODIFIANT DES LOIS EN CE QUI A TRAIT À L'EMPLOI (FOURNITURE DE RENSEIGNEMENTS AUX ÉTUDIANTS SUR LEURS DROITS EN MATIÈRE D'EMPLOI)

Ms. Horwath moved second reading of the following bill:

Bill 95, An Act to amend the Employment Standards Act, 2000 and the Occupational Health and Safety Act with respect to providing information to student employees about employment rights / *Projet de loi 95, Loi modifiant la Loi de 2000 sur les normes d'emploi et la Loi sur la santé et la sécurité au travail à l'égard de la fourniture de renseignements aux étudiants salariés sur les droits en matière d'emploi.*

**Ms. Andrea Horwath (Hamilton East):** As I was having an opportunity to speak to some of the other bills this morning, I mentioned that I was very privileged to have participated in this project thus far. I want to say thank you to the students here today whose bill I am bringing voice to in the Legislature. I'm going to name them, because they really deserve to be acknowledged. But before I do, I want to say that not only has this been a great learning experience for these young people, I'm sure, but they taught me a heck of a lot too, and I want to thank them for that. They taught me not only to reconsider what I do here in the way that it affects them, but also they taught me that they have a heck of a lot to offer and that if only I find the opportunities and make myself available to them, they will come forward and they will step up to the plate and they will have a lot of great ideas to share with us as legislators. I want to thank them for



that, and I also want to thank them for being so open and so available as I was having questions about what direction they wanted the bill to take and what kinds of amendments and changes needed to be made to satisfy the legislative drafters, as well as to make sure that their issues were well represented in the bill.

I want to first of all say thank you to St. Ignatius of Loyola Catholic Secondary School in Oakville and the students there: Ha-Joon Choi, Andrew Cormier, Zach Horcoff, Christina Lee, Katie MacFarlane, Nicholas McLeod, Alicia Medina, Erin O'Leary, Regine Robles, Ana Romero and teacher Ken Rachner. In fact, the teacher happens to be a resident of Hamilton East. I know only some of them could come; the class was taking on this project last semester, I believe, so now, this semester, a couple of them managed to come. For those of you who got here, thank you very much for being here and congratulations on this very exciting day.

From Cardinal Carter Catholic High School in Aurora we have Zach Brewer, Ana Romero, Karen Spilak, Stephen Stanford, Gabriela Torres, Henry Whitfield, Vanessa Fleming, Natasha Burrow, Lauren Babic, Carly Carrigan, Kendra Stephenson, Amanda Piron—pronounced like Barone from the TV show—Liz Piccoli, Dante Lagrasta, Sasha Kuyumju, Stefano Longhin and Kristina Karakolis, and the teachers are Giulia D'Agostino and Lori Lucignani. Thank you for coming again.

Last but not least, at the very top benches in the gallery we have Majd El-Samrout from Lisgar Collegiate in Ottawa. Majd actually got on a bus in Ottawa at midnight—the red-eye—to come to Toronto to be here for second reading of the bill.

They all deserve a big round of applause, for sure.  
*Applause.*

**Ms. Horwath:** I've used almost half my time talking about the students, but that's really what it's all about. So welcome, everybody, and thank you for being here.

I want to commend everybody who has participated. Today's historic second reading of the first-ever bills to be written by Ontario students is extremely important. As we have heard this morning, all three bills are certainly deserving of our support. They are thoughtful, they are practical and they're much-needed measures for the province.

I wanted to make sure that I urged the members of all three parties here to continue to co-operate to push these bills past the finish line. It would be extremely important to actually have the legislation recommended by our youth passed and enshrined into legislation in Ontario.

Bill 95 specifically speaks to the necessity of employers to produce information for students that can be received by them in a way that is most appropriate for them. This bill is a little bit different, because the previous two bills talked about students as they were experiencing their school life: cafeteria food and recycling. This one speaks to students as they leave school and enter the workplace. The bill basically puts an onus or an obligation on employers to make sure that students are aware of their rights in the workplace.

Why is that important? It's important because many times students enter the workplace without a good understanding of what their rights and obligations are as workers. What they decided to do was come up with legislation that they thought and their own experience showed them would be necessary to close that gap of knowledge and understanding as young workers entering the workplace in Ontario. They are the ones who identified what was wrong with the current system, they are the ones who showed me where the gaps were and they put together the draft legislation that's now in front of us as Bill 95.

The goal basically is twofold: to reduce and hopefully completely prevent the exploitation of students in the workplace, and also to ensure that they are safe in the workplace, that their safety is protected in the workplace. We just passed April 28, the day of mourning for workers who were killed or injured on the job. Members need to know that from 2000 to 2004, an average of 15 young people were killed on the job. The average for workers generally is 300 annually killed on the job in the province of Ontario. That's just not acceptable.

This legislation gives the employer clear direction about how to communicate the rights of student workers in the workplace. The onus is on the employer. This is done through a poster that needs to be visible and accessible to all student workers in the workplace, which will set out the various pieces of information in language that is appropriate for the students to receive.

At this point in time, members might know that the Occupational Health and Safety Act already requires poster in the workplace. But students said to me, "Yes, that exists. We've seen it, but it's not easy for us to understand. It doesn't really speak to us. It's not something that we find speaks our language." They want to see a poster not only about occupational health and safety but also about other workplace rights, things like—and I wrote a little list, because it's all set out on page 3 of the bill—hours of work, breaks, eating periods, overtime pay, public holidays, vacation with pay, leaves of absence and termination and severance. All of these are pieces that young people entering the workforce really don't have a good way of knowing about. The bill says the employer has to poster and also provide a booklet to each new student entering the workplace and starting a job. There's a record that needs to be kept. The employer needs to keep a record that the student worker has received the booklet. There's an obligation on the employer to maintain the poster in the workplace.

We spent some time talking about how specific we needed to be with the poster. The legislation does indicate a certain size of typeface to be on the poster, and it requires a location that is accessible to the student so they know where the poster is.

Interestingly enough, the other issue that came up in discussing this with the students was the fact that they were acknowledging that many of the schools in their communities have a number of students whose first language is not English. They also acknowledged that as



they leave school, they attend work and a lot of them have workplaces where large numbers of co-workers do not necessarily use English as their first language. So the bill also identifies the fact that in cases where there is a language other than English as the majority language in the workplace, the ministry is obligated to supply the employer with this information in the language of majority in the workplace.

1110

I thought that was an extremely important piece. It currently doesn't exist in the way that we think it is important to exist. So not only do the poster and the booklet need to be in plain language and in language that is easily understood by students, but also, if there is a workplace where a large number of students are not as proficient in English and have another language as their first language, then the obligation is to make sure the ministry produces that. So it's not "if" one is available, and currently in the act that's the language, for the Occupational Health and Safety Act anyway. It says that if there's something in that language available, it shall be provided. But we're saying no. We're saying the obligation is to make sure the ministry produces something in the language that's needed so that it can go to the employer and then the employer can meet their obligation in the workplace.

It's an excellent bill, and I look forward to the support of all members.

**Mr. Mario G. Racco (Thornhill):** It's a pleasure to speak on the second reading of Bill 95, a bill that provides information to student employees about employment rights.

Before I get into the bill, let me say how pleased I am to see 100 or more schools in the province of Ontario participating in this program, but in particular the three schools that did deal with Bill 95, the students from St. Ignatius of Loyola in Oakville, Cardinal Carter Catholic High School in Aurora and Lisgar Collegiate Institute in Ottawa. I am familiar to some degree with the students from Cardinal Carter Catholic High School because I read in the local media once in a while about their activities. I'm pleased that they are taking part in this bill. By the way, I also want to thank CBC News for being the leader in this bill.

I want to make sure the students are aware that certainly the province of Ontario, and the Ministry of Labour in particular, are quite aware of their concerns. In fact, almost all the issues that they've raised in Bill 95 are already law in Ontario because the Ministry of Labour has addressed those issues. I want to be clear that the health and safety of all Ontario's workers is our number one priority at the Ministry of Labour; however, I think a personal interest in the well-being of our young workers in particular. Our government is committed to protecting Ontarians' future by making sure our youth work in the healthiest and safest environments. We invest in workplace health and safety and believe in promoting a message of prevention in order to build a culture of prevention.

Mr. Speaker, I in particular am quite aware of this. As you already know, one of my jobs this year will be to travel all over Ontario to speak to students, to workers, to employers, to people who are relatively new in Ontario who may have some difficulties appreciating the rules and regulations that we have in Ontario. That is one of my jobs, to go around Ontario and talk to those people. I would like to take the opportunity to ask the students who are interested in this to make sure that they contact my office and speak to me about their specific concerns because, again, it's my job in particular this summer to speak with as many people as possible and make sure that all of us working in Ontario, or as many as possible, are aware of the laws that we have in place and to make sure that the employer respects those laws so that injuries in our province will be eliminated. I realize that will take many years, to make sure that there will not be injuries, but certainly we are moving in the right direction.

Mr. Speaker, you are quite aware that one of our commitments was to hire 200 inspectors to make sure we minimize injuries in the workplace. Of course, we have already hired almost all of them. The last 69 will be hired very shortly, much earlier than the mandate we have in front of us. As you can see, we certainly want to make sure that we prevent any injuries on the job, and at the same time we want to make sure that the employees are quite aware of what their rights are. We already have in place a poster that provides the information. There is a website available as well for people to get into it and get all the information that will be useful to them. We do have almost all the bill in place. Nonetheless, I will be happy to participate when there will be more discussion on this when we go to the people of Ontario.

**Mr. Frank Klees (Oak Ridges):** I am pleased to join in this debate. I want to extend a special welcome to the students who have been involved in the development of this legislation and of course to their teachers as well for their leadership. I take a particular interest in this bill because of the large role of the students from Cardinal Carter Catholic High School in Aurora. I have had an opportunity to meet with some of the students from Cardinal Carter. In fact, Carly Carrigan extended a special invitation to me to meet with her class. I had the opportunity to work with her and her student colleagues to develop another bill that received first reading here in the House. I was hoping we'd have second reading of that bill as well, but the government couldn't make room for it. Perhaps one day. What I do want to do, however, is to extend a special thank you to the teachers who have provided that kind of support for the students in their engagement.

I just did an interview with the media on this issue. It wasn't Mr. Wise, it was a competitor, but he'll be glad to know that all of his competitors are picking up on his story. I would be remiss if I didn't credit Mike Wise and the CBC for their initiative. The purpose of this was to engage young people in the political process. They have been extremely successful in doing that. Our democratic system and the strength of it is really based on the degree



of individual involvement in the process and ensuring that people are aware, are informed. What better way to do that than to begin with students and ensure that there is an interest in the political process generated very early on? What this process has done is let students know that they can have an influence, that the political process is not some mysterious entity out there that is unapproachable, that politicians aren't as bad as the media—not Mr. Wise, but other media—would sometimes represent us to be, that we too are approachable and that it's a matter of communication.

Apart from the content of the bill before us today—which I fully support, and I'm going to make a couple of comments about it—I believe we have here today a historical event. It has never happened before that we are debating in the Legislature a bill that was initiated, drafted and brought to our attention by students. I'm pleased to be a part of that.

With regard to the specific bill before us, the parliamentary assistant to the Minister of Labour says most of these things are already in law. Well, if he will listen to the students, they are saying it may be in law but you're not doing a very good job of making sure that students understand it. That's the purpose of their bill, to make sure that there is literature and information in the workplace that students understand, that's not written in legalese, that's available to all of the students so they will know what their rights are, that it's not simply buried somewhere in the statutes of legislation.

This will be a wake-up call for employers because, while I believe that the vast majority of employers in this province are in fact responsible, we do know that there are employers who take advantage of young people in the workplace. I believe that's an issue that this legislation will address. Young people will know what their rights are. They will know they can say no to unsafe working conditions. They will know what they're entitled to in terms of remuneration, in terms of their rights in the workplace.

I commend the students for being so practical in their proposed legislation. I look forward to the parliamentary assistant, and in fact the Minister of Labour, not making excuses and trying to say that this is all looked after, but that they will welcome and implement this, so that it doesn't stay here at second reading, that it goes to committee and then is ultimately implemented.

Thank you very much to the students and their teachers, to Mr. Wise, to the CBC, and thank you to every other media outlet that's going to give this message and this program huge coverage over the next number of days and weeks to come.

1120

**Mr. Kevin Daniel Flynn (Oakville):** It's a privilege to join the debate on Bill 95. Unlike the previous speaker, I think this is a very special bill in that we all know how hard it is as members to introduce private members' bills and have them acted upon. Thanks to the proper drafting of this bill, thanks to the good work these students have done, the Ministry of Labour has already begun to pay

attention to this bill and is already prepared to make some changes as a result of this bill.

I think that if there is one thing I have learned as PA at labour, to two ministers, Minister Chris Bentley and Minister Steve Peters, it is that we have terrific staff at the Ministry of Labour who care about young workers in the province, who are doing the best they can do with the laws we pass on to them from this House.

Today we've got a perfect example, thanks to the students from Loyola high school in my own community of Oakville and from Cardinal Carter in Aurora, and a young gentleman from Lisgar high school in Ottawa, which incidentally is—Phil McNeely, who is sitting in front of me, is an alumni of Lisgar high school. I think he graduated last year or the year before, I'm not sure which.

This is the time of year when a lot of young people are looking for their first jobs. It's also a time of year when people are most vulnerable. The time when you're most likely to get injured in your working life is in the very first weeks of your very first job.

We, as parents, often ask questions. We ask, "How much are you going to make? Do you have to wear a goofy uniform? Do I have to drive you to work?" We ask them all sorts of things, but we never stop and ask, "Do you feel safe working there? Do you understand what your rights and responsibilities are?" I think that's something that, as parents, we need to take seriously as well.

Thanks to the students today who have brought forward this message and this piece of legislation, which, as I said, is already being listened to by people such as Maggie Head, who is here with us from the minister's office today to hear at first hand from these young people.

I suspect this bill is going to make a change to the people of Ontario, and more especially to the young people of Ontario.

**Mr. Jim Wilson (Simcoe-Grey):** I, too, want to join in this historic debate. It's somewhat historic in terms of it is the first time we've had students suggest private members' bills. Congratulations.

In my time in school—and I was elected fairly young at age 27—we had model Parliaments, and that's sort of how I got interested. I also got interested, if the students want to hear this, when I was in grade 7-8, as we had a split class at St. Paul's elementary school in Alliston, and we had the candidates come in. I think things have changed in the school, because after the candidates came, we had a vote and the Progressive Conservative candidate won the little election we had because he impressed us the most at that time.

So I went out and put up lawn signs for Mr. George McCague. He was our member for 15 years. He was a senior cabinet minister and chairman of cabinet under Bill Davis for about nine of those 15 years. I ended up succeeding him. I ended up being his driver when I started at age 17, because cabinet ministers aren't supposed to drive themselves, in case they get in trouble. I drove him around the riding and around Toronto and



around the province. Actually, that was the best job I ever had; it's been downhill since then.

St. Ignatius of Loyola Secondary School in Oakville, Cardinal Carter Catholic Secondary School in Aurora and Lisgar Collegiate in Ottawa: To you and your teachers I say congratulations. This is a terrific idea. As I said, I never thought about it in my time. To Mike Wise and the CBC, thank you very much. And that's historic, too. I've heard everybody thank Mike Wise and the CBC, and frankly, we usually never thank the media in this House, although in opposition I find the media become my best friends.

Ms. Horwath presented us with some statistics in the package that as the sponsor of this bill she sent around on your behalf. There really is a tremendous need for this information that is going to be provided through the poster and booklet. I first of all want to explain the need. It says in the briefing note:

"From 2000 to 2004, there were 60 traumatic fatalities for young workers under 25 years of age. This represented approximately 11% of Ontario workers killed on the job.

"The two industry sectors with the highest number of allowed traumatic fatality claims were construction and manufacturing."

In 2000, for example, there were 16 deaths in those sectors, in 2001 there were 13 deaths, in 2002 there were 14 deaths, in 2003 there were 10 and in 2004 there were 7.

I must admit that I worked at the Alliston IGA for four and a half years. Actually, prior to that I worked in our family store business and gas station in Loretto, Ontario. You had no rights when you worked for your father. In terms of these family businesses, this will make even the fathers of the world post your rights. I am sure my father is watching this at home, as he does every day, with my mother and is wondering about those comments I just made.

I'm the labour critic for the PC Party, and if I was asked to go to your classroom today and explain all this, I couldn't. You have gone far beyond my knowledge. For instance, as has been pointed out, the poster and booklet have to talk about the hours of work and eating periods, overtime pay, minimum wage, public holidays, vacation with pay, leaves of absence, termination and severance of employment. It has to talk about the fact that the minimum wage is different for students than for most other employees, with a statement of the current minimum wage for student employees and other employees—a lot of very good stuff. I must say, you drafted the bill in a practical way. It reads very well, but it is detailed and very prescriptive.

At the end of the day, you're going to be able to say, when you are older and tell your grandchildren the story of being here and of participating in this process, that the poster on that wall came as a result of work you did. You're hopefully going to be able to see, after this bill is implemented, a reduction in the fatalities and a reduction in the injuries that are occurring to young people, those 25 years of age and younger.

I conclude by saying that you're hopefully going to see very tangible benefits from your work, and I again thank you on behalf of the young people in my riding of Simcoe-Grey and on behalf of the young people in Ontario. This is a historic process and I am glad to be part of it.

**Mr. Gilles Bisson (Timmins-James Bay):** I am so glad to be here this morning. As my good friend Mr. Wilson said, this is historic for a couple reasons. One is that I don't ever recall in my 16 years here having this kind of occasion where the public, in this case students, get an opportunity to directly tell the Legislature what they would like us to deal with in debate on one particular day. I think that is pretty amazing.

I congratulate Mike Wise from the CBC, who I say is my friend—I love all the media—and especially the many students who have taken the time to submit ideas. Unfortunately, not all of them got picked. Certainly there was a multitude of really good ideas. For all of you who participated and weren't fortunate to get picked, don't despair, but continue. Maybe this can become something more regular here in the Legislature, a good way of showing students that you can make a positive change to your society by being involved in the political process, because after all, this what Legislatures are all about. It's about developing the rules by which society is going to govern itself. How do we drive down the highway, how do we provide services for each other in health care and education? All those decisions and policies derive from this Legislature. For citizens not to be engaged in that process I think is an affront to democracy. For democracy to work, people need to be engaged, and certainly the young people of this province have demonstrated time and time again on occasions like this and others that they are engaged in the process.

**1130**

I want to say to my good friend Mike Wise, you got my sister going in British Columbia. My sister is a schoolteacher in Prince Rupert, BC, Collette Cantin. She and her colleagues in the BC teachers' federation or whatever they're called have been watching this quite closely. I have been corresponding with some of the people that she's put me on to. They're trying to get their Legislature in British Columbia interested in this process as well. To those people in British Columbia who are interested in getting this going, I encourage you to do so because it has certainly proven to be quite positive here in Ontario. To my sister Collette I would just say by way of this Hansard, I'm looking forward to seeing you this summer at the reunion. Anyway, that's a whole other—we take all the opportunities we can.

I also want to make, before I get started, a comment to my good friend Mr. Wilson with regard to those young people, like we were at one time, who work for their fathers. I worked for my dad for a number of years and, man, if I had tried to exercise my rights, I'm not sure I would have survived. "You will do what you're told," my father would say.

I want to start off by saying the following: For people to exercise their rights, they need to know them, and



that's what this bill really speaks to. It doesn't matter if you're the son of a local businessperson, such as Jim and I were, who grew up in families who were in small business. Both my mother and father ran a business. I worked for my dad and my mom over the years. And I had some good times; I've got to say that they were good employers. My dad certainly was a progressive employer, so I wouldn't want anybody to think otherwise. Dad is gone nowadays and I wouldn't want anybody to think I'd speak badly of him.

I tried to organize my father. I've got to tell you a funny story. My brother and I decided one day that my father was not being fair, so we decided to hold a strike. My brother and I organized our own union and decided to strike my father. My father used to be a very pro-union guy, and we listened at the kitchen table at supper to all of the stories about how workers had to organize and by organizing you'll be able to hold up the employer to better standards and better conditions for workers. So my brother and I decided to take him up on that. I've got to tell you, man, oh man, his practices were very different. The strike was finished. It was gone. We were both fired. That was the end of that. That was fun. But I digress; that's a whole other story.

I'd just say that for people to exercise their rights, they need to know them, and that's what this bill speaks to. It doesn't matter if you're a young person just starting out in a part-time job when you're 15 or 16 years old, and sometimes a bit younger, or if you're older: If you don't know your rights, you really can't exercise them. I say that from experience because I come out of the Steelworkers. I'm still a member yet today of Local 2995 of the United Steelworkers of America. I've maintained my membership with my union and I'm a proud member of the Steelworkers. At the end, we understood in the Steelworkers organization that we needed to make sure that our members knew their rights. We spent a lot of time when workers were first hired and became members of our union—we negotiated into our collective agreements an opportunity for the union to sit down with the member and say, "Here are your rights, what the Occupational Health and Safety Act and the Ontario Labour Relations Act give you, what your collective agreement gives you," so that people understood that there were rules and that if those rules weren't followed, there was a consequence to them, either by way of injury or death or by way of not getting what you're entitled to when it comes to work. Far too often, that whole concept is not brought forward to students.

I've got to say again as a Steelworker that I'm proud that my union, for some 10 years now, has been doing this in northeastern Ontario. There's a student health and safety awareness program run by a couple of people out of Local 6500. Both J.P. and Dan, who are with Local 6500, are very involved in that program. They go from school to school in both French and English across northeastern Ontario in both the Catholic and public boards. They go into the workplace and do exactly what this bill talks about, which is to say to students, "Here is what the Occupational Health and Safety Act is all about.

Here's what happens should you be injured and what you need to do." For example, a lot of people don't realize that if you don't report an accident to your employer and a Form 1 isn't filed to the Workers' Compensation Board, if that injury tends to get bad—let's say it's a soft-tissue injury—you could be in a position of not being entitled to any benefits because you haven't reported it.

So something as simple as reporting an accident—they go into the schools and tell the students they need to make sure that there's a Form 1, that it's reported. If you see something that is unsafe in the workplace, especially in workplaces where I come from, and I'm sure it's the same in others—I'm out of the mining and forest industry. That's very serious business. You don't play around with the equipment that's there, because it's massive and it's quite dangerous if used improperly. We make sure that workers understand that if they're put in a position—and this is what this program does through the student health and safety awareness program and the Steelworkers. They have a right to refuse work.

I think this bill basically goes in that direction, and I really want to compliment the students who have come forward with it and my good friend and colleague Andrea Horwath for bringing this bill forward. She's hitting a triple-hitter here, because this is hot on the heels of a bill she introduced last week that has to do with firefighters. I commend her for always being there and trying to make the province a safer and better place for workers.

I say to the students, this is really good stuff. Imagine if we were in a position where all workers over the last five years, or let's say even six, since the year 2000, had known their rights, had known that when they walk into the workplace, if there's something unsafe, they can report it. They would have understood what their rights were under the Occupational Health and Safety Act. They would have understood the rights under the Workers' Compensation Act.

Some of the statistics I'm going to read from the Steelworkers program, the same program that's presented to students, wouldn't have happened. They're quite alarming. I was just going through them. I didn't imagine that the numbers were as bad as that. There have been 60 young workers who have died in Ontario in the workplace since the year 2000. We're talking about 60 kids here somewhere between the ages of probably 15 and 18 years of age: young people who have not been able to continue with their lives; families who have lost their loved ones, and sometimes for something that was preventable. Imagine if these young workers had had this bill and had been in a position where the employer would have had to provide the type of information needed in order to make the young worker aware of what is safe and what is unsafe. Maybe some of these 60 tragedies, let's hope all of them, could have been prevented from happening. So this bill certainly speaks to what the experience has been in this province in regard to what happens when we're not aware of what our rights are, and I go back my original point, which is that you need to know your rights in order to exercise them.



The number of injuries—and this is a statistic again from the Steelworkers program—shocked me. I didn't expect it to be this high. If I asked the members of this Legislature how many workers have reported injuries since the year 2000 in this province, I would have thought somewhere from 20,000 to 30,000. That's what I would have thought. But the number is 250,000. It is really shocking that 250,000 young workers in this province have reported injury, which tells me as well that there's got to be a whole bunch more that didn't report it. It comes back to my first point that if you know your rights and you exercise them, maybe these injuries could be prevented.

The second thing is, how many people don't report? I know that's the case for many. I'm guilty of that. I worked, again, for my father. I didn't report a workers' compensation thing. My father had a television repair business and I would work for him on weekends and evenings, delivering televisions after they were fixed and stuff when I was about 16 or 17 years old, after I got my licence. I fell down a flight of stairs with the television because the stairs were slippery. Back then I was a lot slimmer. The TV sort of hit me as I went down. I saved the television. My father was very proud of me that he didn't have to fix the TV at his cost, but my back ever since then has been bad. Every now and then I find myself in a situation—you've sometimes seen me walking humped over a bit in this Legislature. It stems from that injury. I never reported that accident because I didn't even know there was a Workers' Compensation Board when I was 16 years old, and certainly my father didn't tell me. Sorry, Dad, I had to put that on the record. I still love you.

Again, it's one of those things. What would have happened if, let's say, I had been an electrician by trade, stayed in my trade and not gone into provincial politics, where I'm able to deal with the injury because it's a lot easier to deal with in this job than it was as an electrician? It might have impacted on my ability to earn a living and provide for my family. So again it comes back to the point that you need to know your rights in order to exercise them. If I had known my rights as a young worker at 16 years of age, I would have reported a Workers' Compensation claim, and who knows, I might have needed it. As it turns out, I'm fortunate with regard to most, in regard to being in a position where that is not so much an issue.

Again, I want to say that the stats are shocking. It's really, truly shocking, the number of young people in this province who are killed or injured in the workplace.

Are you trying to tell me something or are you just making notes?

**Ms. Horwath:** No, I'm just making notes.

1140

**Mr. Bisson:** I was reading your notes and going, "What are you trying to tell me here?"

Anyway, the stats are extremely shocking. Anything we can do in this Legislature in order to give the tools they need to young people to be informed about their

rights so they're not put in harm's way will speak volumes to the good that can come out of this Legislature. Again, I want to thank the students.

I want to end on this point: I worked in the mining industry as an electrician and I've seen at first hand, unfortunately, the tragedies of the workplace. In two instances they were summer students that we had working for us. One was at the Foleyet Penhorwood mine at Johns-Manville and the other was at the Pamour mine in Timmins, where students who had come to work for a summer job to get a college education basically lost their lives in the workplace.

One particular young worker who was about 18 years old fell—we had a sort of elevator system for moving men up to the various floors of the mill to do the work that needs to be done. In this particular case, this young person was not properly trained in how to get onto this moving conveyor belt that brought you to the upper floors. In fact, that system should never have been designed, but that's a whole other story. The young man jumped onto it as it was going by the fourth floor, fell down and struck his head at about floor two or floor three and died. If this young worker had been informed of his rights and, more importantly, had been told what is safe and what is not safe and not to do that and how to use that, that young person probably would still be here today.

I remember another young man—I think his name was Paul, if I remember correctly; it's going back a lot of years ago—who was cleaning out an ore bin up in the head frame at Pamour. The ore bin is where, when you convey the ore from the underground on the skips, it dumps into big ore bins. Quite a bit of muck, as we call it, which is broken rock, goes into this bin. It was plugged, which was normally the case. You always get wet and cold and freezing of the muck—not so much freezing because of the cold, but the muck congeals together. He was up with a blow pipe trying to get the muck moving and it wasn't moving, so he decided to walk out onto the muck pile. The thing gave way and he basically suffocated to death, fell right into the ore bin. I'll tell you, a whole whack of people were feeling pretty bad about that. We as a health and safety committee thought we were doing everything we could in order to make this worker safe; the mine certainly thought they did everything they could to make this worker safe. In this particular case it was the mine captain's son. So they lost their son. It's something that always touches me, because I was there when it happened, in the sense that it's a bit emotional. But it was a situation, even in that case, where we thought we had done our job. We had not done it well enough, and unfortunately that young man is no longer with us today and died an excruciating death.

So I say to people, I've seen it first-hand. I've heard the yells and the screams, and heard them all. I have to tell you, it's not a pleasant thing to see. So anything we can do to prevent this kind of injury or disease certainly must be done. I commend the students for having brought this forward and my good friend Andrea Horwath for doing this. There are also things about hours of work, but



I'm running out of time. I only have 23 seconds left. I will just say to all my friends, a job well done.

**Mr. Tony Ruprecht (Davenport):** Congratulations to the students who worked so hard on this project, to the CBC and Mr. Wise, who produced the CBC program *Making the Grade*, and to our colleague Ms. Horwath for bringing forward Bill 95.

It points to a tremendous need: the need to improve young workers' health and safety and to ensure that they understand clearly the hazards on the job. The statistics are pretty clear: In Ontario, for which we have the 2004 numbers, there were 277,422 injuries on the job. Out of those, 49,000 young people were injured on the job. And out of those, seven died.

Their deaths remind me of the monuments we have around Queen's Park. Straight to the east, we have the monument to fallen police officers. When a criminal fires at a police officer at point-blank range, that is not an accident, or some might say that accident cannot be prevented.

To the south, on the corner of University and College, we have the firefighters, those who have given their lives in saving others. When a child is screaming or yelling from a fire in a great building or even in a small house, the firefighter forgets all the precautions and rushes in. In most cases, that accident cannot be prevented.

Just to the south, we are building today, as we speak, a monument to those who gave their lives for this great country in the great wars—even today in the war in Afghanistan, in Kandahar, where three of our soldiers were blown up by a roadside bomb. That accident could not be prevented.

Tomorrow, our colleague Mr. Ramal is going to introduce a bill, Bill 86, a private member's bill. It's about a monument for those who were injured and died on the job. I don't think we wish to be there, but we need to be reminded of the safety and the hazards on these jobs. Accidents on the job can be prevented. While we have a number of flyers, while the government has a website, while we have notices and brochures, I think that if we can prevent just one accident, and if through Bill 95 we can simply prevent one death, that would be a real accomplishment. That's why today I and my colleagues will be supporting this bill. That's why we, today, want to thank the students for bringing it forward because, together, we can build a better Ontario, to better understand the health hazards and the problems that are work-related.

We want to thank these students. Our support will be with them, and I know we will succeed in building a better Ontario.

**Mrs. Christine Elliott (Whitby-Ajax):** I'm very pleased to have the opportunity to join in this debate on Bill 95, to be known as the Employment Statute Law Amendment Act.

We've heard from several of the speakers here this morning about what a historic opportunity and time this is, that this sort of thing has not been done in the Legislature before. I wouldn't know about that. For those students who wouldn't know, I'm a newly elected

member. I just arrived here after March 30, so I'm still learning the processes and procedures here in this House. It seems to me that this is the kind of thing we really should be encouraging with students, to open up the process of the way things happen here and encourage all of you to become more involved in the political process as time goes on.

I'd like to extend my thanks to you and my congratulations on a job really well done to the students from St. Ignatius of Loyola school, Cardinal Carter school and Lisgar Collegiate. You've done a terrific job. I'd also like to thank Mr. Wise of the CBC—I think this is an important initiative—and the member from Hamilton East as well for sponsoring this bill.

The purpose of the bill of course is to give students the essential information they need concerning employment standards matters, concerning the rate of pay, holiday time, matters relating to employment standards issues, as well as occupational health and safety matters. This is really essential information that all students need to have as they enter the workplace for the very first time. I don't know if things have changed; it's been about a million years since I started my first job as a cashier at Woolco many years ago. But I don't think things have changed that much. Probably when you start your new job, you're a little bit nervous, a little bit apprehensive. You're adjusting to new colleagues, to working for someone, to what your new job is going to be, and though you hear bits and pieces of what your rights and responsibilities are, it doesn't really come together in one whole package for you. The onus is really on you, as a student, to seek information out. I think most students probably are not likely to go and seek that information because either they think they're supposed to know it or they're a little bit too nervous to seek it out. I certainly remember those feelings quite well.

I think that what this bill does in order to put this information together in a comprehensive package in the form of the pamphlet and the notice that goes up on the board for students to see is really important. Also, because it spells out the information that employers have to indicate on these notices, it provides uniformity across the board for all employers, so you know that in every workplace the same sort of information is going to be conveyed to students.

1150

Even though the vast majority of employers, I know, take occupational health and safety matters and employment standards matters very seriously, the fact remains that between 2000 and 2004, there were 60 student fatalities on the job, most of them in the construction and heavy industry sectors, where students were required to work with heavy machinery, as one of the previous members has stated, where the work can be awkward and dangerous. So there's a lot of work to be done. I think that this bill goes very far to addressing those issues. The website of the Workplace Safety and Insurance Board says that young people who understand these rights and know how to use them are better able to protect themselves on the job. My hope is that this legislation, when



passed, as I hope it will be, will significantly reduce the number of fatalities—and hopefully eliminate them—so that all students will be knowledgeable and have the opportunity to work in a safe workplace.

The cost of this project is negligible. Once it gets up and running, the employers will have the pamphlets available and will have the notice already posted. To my mind, if even one life can be saved, then of course it's going to be worth it. I thank the students very much again, and their teachers, for bringing this important information before us. I support it wholeheartedly.

**Mr. Dave Levac (Brant):** I want to echo one more time what I've always done in private members' business. To tell the member from Hamilton East exactly where I'm voting, I'm voting in favour of the bill. I think private members' business is an important part of our process. I want to thank the students, and I want to thank the teachers, obviously. If I want to make sure that I'm on the good side, I'll say, Mike Wise, thanks very much again. I will suggest that I'm glad he took some of our discussions, which Mike and I had about how to make sure everybody understands that private members' time and the private members' business is very difficult, seriously. You don't simply just throw bills down and get them passed. As a matter of fact, there's a likelihood that a lot of the private members' bills—not today's, but including today's—seldom ever pass. It's not an agenda that you get elected for, so the process is to provide private members with an opportunity to speak.

I want to thank the member from Oak Ridges, the member from Don Valley West, and the member from Hamilton East collectively for stepping forward and assisting the students. I want to thank all the members for participating in the debate. What I also want to explain is that private members' bills don't always get passed, but I will tell you that their spirit is picked up in most governments. Since 1999, when I was elected, to now, I've introduced several private member's bills. Luckily, I've had a couple pass. One of them was the anaphylaxis bill that changed the curriculum in schools to make sure that schools took care of students with anaphylaxis, because people were dying. So that's one example where the Legislature stood together and said, "We've got to do something about this." These are the types of things that come to private members' time.

The other thing is, I've got about seven or eight other private member's bills where the previous government and this government took the idea and incorporated it into a government bill. That's another opportunity for the students to acknowledge that maybe you won't get this bill passed, but you'll probably get your message sent and changes are done. The member from Oakville made it quite clear that ministry staff are listening and ministers are listening. Just because you might not see the person you think should be in here, they find that out. I want to say that clearly.

Now, specifically to Bill 95: Thank you for giving us the voice of you, as students. You're telling us what you need to make sure that you've done your homework

about this. What do we need to help you get your job done on site? Thank you for sharing that voice. I do want to say that we're not making bad stuff better; we're making good stuff even better. Because Ontario has the best record in Canada in terms of student safety. It's not good enough, but it is the best record. We want to take something that is good and make it better. That is a good thing for us to do and discuss and debate, and to make sure if there are flaws in the bill—that's why we send them to committee, so that the public and members on all sides can bring those issues forward and discuss them. I can't emphasize enough what the process we're doing now means. It means we are taking the voice that only 103 of us have at this time and starting to give it to the people, where it belongs. We do represent our areas, our ridings and our parties, but private members' time is a perfect opportunity for us to translate the voice of the people into legislation. I congratulate all involved in the process.

**The Acting Speaker (Mr. Michael Prue):** The member from Hamilton East has two minutes to reply.

**Ms. Horwath:** I want to begin my two minutes of response by just indicating to the students here that the reason the chamber seems a little empty is because there are a number of committees going on right now. We're doing this special day when there are all kinds of other obligations that other members have. Members who aren't here are certainly aware of all three bills that have been brought forward and are very supportive of your work and your concerns. But unfortunately, because of us putting this special day together, there was all the other business of the House taking place, all the other committee work. It is important to make that comment, so that you know it's not through disinterest that most people aren't here; it's because they had other obligations they had to undertake this morning on committees.

I also wanted to reflect that when members spoke on Bill 95, they spoke about their own experiences when they were students and as workers; they spoke about their experience as parents whose children are going off into the workforce and some of the issues concerning them there. They raised issues of being unionized workers and what was happening as a unionized worker in terms of getting information from their union.

Interestingly enough, I recall that when I was meeting with Cardinal Carter school, one of the students there indicated that her mom was in a union and her dad wasn't, and she could tell the difference between their experiences as workers in access to information and support in enforcing their rights on the job in a unionized environment.

I wanted to mention that this issue is an ongoing concern in the labour movement broadly around young workers. The ministry as well is doing some work on young workers' issues. On April 28, the day of mourning, I had the experience of seeing something called a life quilt, which is a memorial to younger workers between the ages of 15 and 24 who were killed on the job. It's a memorial to remember that we have to stop workplace injuries and accidents.



I just want to mention really quickly that it is also about things like hours of work, the right to breaks, what happens on vacation and what are the statutory holidays? All of that is information that's necessary for young workers to know about, and this bill will take care of it.

**The Acting Speaker:** The time provided for private members' public business has expired. We will deal with each of the ballot items as they were presented this morning.

EDUCATION AMENDMENT ACT  
(NUTRITION STANDARDS IN  
SCHOOLS), 2006

LOI DE 2006 MODIFIANT LA LOI SUR  
L'ÉDUCATION (NORMES ALIMENTAIRES  
DANS LES ÉCOLES)

**The Acting Speaker (Mr. Michael Prue):** We will deal first with Bill 93, standing in the name of Mr. Klees. Is it the pleasure of the House that the motion carry? I heard a no.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

There being more than five members standing, we will call that after dealing with the others.

EDUCATION AMENDMENT ACT  
(SCHOOL WASTE REDUCTION), 2006

LOI DE 2006 MODIFIANT LA LOI SUR  
L'ÉDUCATION (RÉDUCTION DES  
DÉCHETS DANS LES ÉCOLES)

**The Acting Speaker (Mr. Michael Prue):** The second item is Bill 96, standing in the name of Ms. Wynne. Is it the pleasure of the House that the motion carry? I heard a no.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

There being more than five members standing, that too will be dealt with in a moment.

EMPLOYMENT STATUTE LAW  
AMENDMENT ACT (INFORMING  
STUDENTS OF THEIR EMPLOYMENT  
RIGHTS), 2006

LOI DE 2006 MODIFIANT DES LOIS  
EN CE QUI A TRAIT À L'EMPLOI  
(FOURNITURE DE RENSEIGNEMENTS  
AUX ÉTUDIANTS SUR LEURS DROITS  
EN MATIÈRE D'EMPLOI)

**The Acting Speaker (Mr. Michael Prue):** The third and final bill this morning is Bill 95, standing in the name of Ms. Horwath. Is it the pleasure of the House that the motion carry? I heard a no.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Again, there are more than five members standing. Call in the members. There will be a five-minute bell. *The division bells rang from 1200 to 1205.*

EDUCATION AMENDMENT ACT  
(NUTRITION STANDARDS IN  
SCHOOLS), 2006

LOI DE 2006 MODIFIANT LA LOI SUR  
L'ÉDUCATION (NORMES ALIMENTAIRES  
DANS LES ÉCOLES)

**The Acting Speaker (Mr. Michael Prue):** Mr. Klees has moved second reading of Bill 93. All those in favour will please stand and be recognized by the Clerk.

**Ayes**

Arnott, Ted	Gravelle, Michael	Peters, Steve
Barrett, Toby	Hardeman, Ernie	Phillips, Gerry
Bartolucci, Rick	Horwath, Andrea	Pupatello, Sandra
Bentley, Christopher	Hoy, Pat	Racco, Mario G.
Bountrogianni, Marie	Jackson, Cameron	Ramal, Khalil
Bradley, James J.	Jeffrey, Linda	Ramsay, David
Brownell, Jim	Klees, Frank	Runciman, Robert W.
Caplan, David	Kular, Kuldip	Ruprecht, Tony
Chambers, Mary Anne V.	Levac, Dave	Sandals, Liz
Chudleigh, Ted	MacLeod, Lisa	Scott, Laurie
Colle, Mike	McGuinty, Dalton	Smith, Monique
Cordiano, Joseph	McMeekin, Ted	Takhar, Harinder S.
Craitor, Kim	McNeely, Phil	Van Bommel, Maria
Delaney, Bob	Meilleur, Madeleine	Watson, Jim
Di Cocco, Caroline	Miller, Norm	Wilkinson, John
Dombrowsky, Leona	Mitchell, Carol	Wilson, Jim
Duncan, Dwight	Mossop, Jennifer F.	Witmer, Elizabeth
Elliott, Christine	Munro, Julia	Wong, Tony C.
Flynn, Kevin Daniel	Parsons, Ernie	Wynne, Kathleen O.
Gerretsen, John	Patten, Richard	Zimmer, David

**The Acting Speaker:** All those opposed will please rise.

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 60; the nays are zero.

**The Acting Speaker:** I declare the motion carried.

Pursuant to standing order 96, the bill is referred to the committee of the whole House.

**Mr. Frank Klees (Oak Ridges):** I would ask that this bill be referred to the standing committee on regulations and private bills.

**The Acting Speaker:** The member has moved that this be sent to the standing committee on regulations and private bills. Is it carried? Carried.

I'm required to open the doors for 30 seconds.

1210

EDUCATION AMENDMENT ACT  
(SCHOOL WASTE REDUCTION), 2006

LOI DE 2006 MODIFIANT LA LOI SUR  
L'ÉDUCATION (RÉDUCTION DES  
DÉCHETS DANS LES ÉCOLES)

**The Acting Speaker (Mr. Michael Prue):** Ms. Wynne has moved second reading of Bill 96. All those in favour will please rise and be recorded by the Clerk.



**Ayes**

Amott, Ted  
Barrett, Toby  
Bartolucci, Rick  
Bentley, Christopher  
Bountrogianni, Marie  
Bradley, James J.  
Brownell, Jim  
Caplan, David  
Chambers, Mary Anne V.  
Chudleigh, Ted  
Colle, Mike  
Cordiano, Joseph  
Craiton, Kim  
Delaney, Bob  
Di Cocco, Caroline  
Dombrowsky, Leona  
Duncan, Dwight  
Elliott, Christine  
Flynn, Kevin Daniel  
Gerretsen, John  
Gravelle, Michael

Hardeman, Ernie  
Horwath, Andrea  
Hoy, Pat  
Jackson, Cameron  
Jeffrey, Linda  
Klees, Frank  
Kular, Kuldip  
Levac, Dave  
MacLeod, Lisa  
McGuinty, Dalton  
McMeekin, Ted  
McNeely, Phil  
Meilleur, Madeleine  
Miller, Norm  
Mitchell, Carol  
Mossop, Jennifer F.  
Munro, Julia  
Parsons, Ernie  
Patten, Richard  
Peters, Steve  
Phillips, Gerry

Pupatello, Sandra  
Racco, Mario G.  
Ramal, Khalil  
Ramsay, David  
Runciman, Robert W.  
Ruprecht, Tony  
Sandals, Liz  
Scott, Laurie  
Smith, Monique  
Takhar, Harinder S.  
Tory, John  
Van Bommel, Maria  
Watson, Jim  
Wilkinson, John  
Wilson, Jim  
Witmer, Elizabeth  
Wong, Tony C.  
Wynne, Kathleen O.  
Zimmer, David

Di Cocco, Caroline  
Dombrowsky, Leona  
Duncan, Dwight  
Elliott, Christine  
Flynn, Kevin Daniel  
Gerretsen, John  
Gravelle, Michael

Mitchell, Carol  
Mossop, Jennifer F.  
Munro, Julia  
Parsons, Ernie  
Patten, Richard  
Peters, Steve  
Phillips, Gerry

Wilson, Jim  
Witmer, Elizabeth  
Wong, Tony C.  
Wynne, Kathleen O.  
Zimmer, David

**The Acting Speaker:** All those opposed will please rise.

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 61; the nays are zero.

**The Acting Speaker:** I declare the motion carried.

Pursuant to standing order 96, the bill is referred to the committee of the whole House.

**Ms. Kathleen O. Wynne (Don Valley West):** I'd ask that the bill be referred to the standing committee on regulations and private bills.

**The Acting Speaker:** The member has moved that the bill be referred to regulations and private bills. Is it agreed? Carried.

Open the doors for 30 seconds, please.

EMPLOYMENT STATUTE LAW  
AMENDMENT ACT (INFORMING  
STUDENTS OF THEIR EMPLOYMENT  
RIGHTS), 2006

LOI DE 2006 MODIFIANT DES LOIS  
EN CE QUI A TRAIT À L'EMPLOI  
(FOURNITURE DE RENSEIGNEMENTS  
AUX ÉTUDIANTS SUR LEURS DROITS  
EN MATIÈRE D'EMPLOI)

**The Acting Speaker (Mr. Michael Prue):** Ms. Horwath has moved second reading of Bill 95. All those in favour will please rise and be recorded by the Clerk.

**Ayes**

Amott, Ted  
Barrett, Toby  
Bartolucci, Rick  
Bentley, Christopher  
Bountrogianni, Marie  
Bradley, James J.  
Brownell, Jim  
Caplan, David  
Chambers, Mary Anne V.  
Chudleigh, Ted  
Colle, Mike  
Cordiano, Joseph  
Craiton, Kim  
Delaney, Bob

Hardeman, Ernie  
Horwath, Andrea  
Hoy, Pat  
Jackson, Cameron  
Jeffrey, Linda  
Klees, Frank  
Kular, Kuldip  
Levac, Dave  
MacLeod, Lisa  
McGuinty, Dalton  
McMeekin, Ted  
McNeely, Phil  
Meilleur, Madeleine  
Miller, Norm

Pupatello, Sandra  
Racco, Mario G.  
Ramal, Khalil  
Ramsay, David  
Runciman, Robert W.  
Ruprecht, Tony  
Sandals, Liz  
Scott, Laurie  
Smith, Monique  
Takhar, Harinder S.  
Tory, John  
Van Bommel, Maria  
Watson, Jim  
Wilkinson, John

**The Acting Speaker:** Those opposed will please rise.

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 61; the nays are zero.

**The Acting Speaker:** I declare the motion carried.

Pursuant to standing order 96, the bill is referred to the committee of the whole House.

**Ms. Andrea Horwath (Hamilton East):** I'd like to have the bill sent to the standing committee on regulations and private bills, please.

**The Acting Speaker:** It's been moved that the bill be sent to regulations and private bills. Is it carried? Carried.

**Mr. Frank Klees (Oak Ridges):** On a point of order, Mr. Speaker: I seek unanimous consent to have the House declare Mike Wise an honorary member of the Legislature.

**The Acting Speaker:** The member is seeking unanimous consent.

*Interjections.*

**The Acting Speaker:** I heard several noes.

All matters relating to private members' public business having been completed, I do now leave the chair and the House will resume at 1:30.

*The House recessed from 1215 to 1330.*

**MEMBERS' STATEMENTS****BORDER SECURITY**

**Mr. Ted Arnott (Waterloo-Wellington):** For weeks now the provincial government has been playing a political game in this House. Through members' statements, staged questions and petitions, they've attempted to blame Prime Minister Stephen Harper for the US proposal that all travellers crossing the border may soon be required to carry passports.

Just for a moment, let's accept their rationale. If it is all the federal government's fault that this passport issue is looming on the horizon, then where was the federal Liberal government on September 23, 2004, when the Intelligence Reform and Terrorism Prevention Act was introduced in the US Senate? Where were the Paul Martin Liberals when this bill was being debated and when it was passed by the Senate on October 6, 2004? Where were the federal Liberals when it was being debated in the House of Representatives and passed that same month? Where were they when the Senate and the House were discussing the bill in conference? Where were they on December 17, 2004, when the bill, having been passed by the Congress, was presented to the President? Why didn't Prime Minister Martin forcefully defend Canada's tourism interests when he met the US



President on November 30 and December 1, 2004, before the American security bill was law? And why didn't he push for a Canadian exemption when he met with the President on two subsequent occasions?

Any fair-minded review of the facts would conclude that blaming the federal government for this problem means that 95% of the blame rests with the former federal Liberal government. But blaming another level of government yields no solution. It's time for the provincial government to stop pointing fingers and begin to take constructive steps to solve this problem, working co-operatively with governments—

**The Speaker (Hon. Michael A. Brown):** Thank you. Members' statements.

### ASSISTANCE TO ARTISTS

**Mr. Peter Tabuns (Toronto–Danforth):** Lately there has been considerable attention paid to the revitalization of existing cultural landmarks like the Royal Ontario Museum and the Art Gallery of Ontario, and the construction of new venues like the Four Seasons Centre for the Performing Arts. These projects are being credited by some for awakening a cultural renaissance here in Ontario. While it's undeniable that these institutions will enrich the province, they can't do it alone. These stages, performance halls and galleries all rely on artists to bring them to life. For this cultural renaissance to be fully realized, measures to improve the working lives of artists need to be introduced.

Artists contribute significantly to Ontario. Their work helps to enliven our communities, stimulate our intellectual lives and attract investment to the province that helps build economic growth.

Despite the ways that Ontario benefits from the work of its artists, this is not a reciprocal arrangement. Artists rank amongst the lowest-paid workers in Ontario. They're not afforded the minimum standards that protect the rest of the workforce. Many live in poverty.

Many artists are here today in the Legislature to advocate for the introduction of status-of-the-artist legislation that would provide them and their peers with protection in the workplace and more income security. Arts and culture play a critical role in helping Ontario flourish in so many ways. My hope is that this Legislature will assist them.

### BAYVIEW VILLAGE ASSOCIATION

**Mr. David Zimmer (Willowdale):** I rise to inform this House of an important milestone for the community of Willowdale, my riding. On May 15, 2006, Bayview Village Association will celebrate its 50th anniversary. Established in 1956, Bayview Village Association serves to promote the welfare of the residents of Bayview Village through government advocacy and the organization of social and cultural events.

With the help of their executive committee volunteers Gail Bebee, Poonam Jain, Keith McKey, Donald Gerrior,

Ken Kurkowski, Doug Webster, Zelick Bocknek, Megan McRae, Judi Codd and the rest of the very dedicated volunteers, the Bayview Village Association has helped to create one of the most desirable neighbourhoods in the city of Toronto. Whether through their government affairs work, community July 1 fireworks, Neighbourhood Watch initiatives or simply by encouraging residents to get involved in their community, the Bayview Village Association has made a big difference in the lives of its members.

I'm proud to have Bayview Village Association as a community partner and look forward to celebrating the contributions of this inspiring organization at their golden jubilee. I would also like to recognize member Simin Molookzadeh and her daughter Sara from Bayview Village, who are with us today.

### GROWTH PLANNING

**Mr. Cameron Jackson (Burlington):** Members will know that the amount of growth that's going on in the greater Toronto area, the GTA, is quite unprecedented at this time in our province. In fact, in my community of Burlington, that growth is three times the provincial average. Growth can be a positive thing when services expand to meet the growing needs of a community, but there is a critical situation emerging in our community, both in terms of health care and in terms of our educational supports through our schools.

The truth is that Joseph Brant hospital has been forced to cut 48 beds, one quarter of all their acute care beds, yet we desperately need the hospital expansion which the district health council and the restructuring commission both agreed Joe Brant deserves. We want the current government to acknowledge the \$45-million expansion that's required for Joseph Brant hospital; we want them to acknowledge it this year.

We want this government to acknowledge the Halton school board, which has gone out and constructed three schools at a cost of \$100 million without any support from the current government. They're doing this on the strength of promises made by the Liberal government during the last election, promises that they have not yet kept.

As the great city of Burlington continues to grow, so should the provincial Liberal government recognize the critical need for our hospital's expansion and for the new school construction for the children of our community.

### AWARD EVENT

#### CÉRÉMONIE DE REMISE DES PRIX

**Mr. Phil McNeely (Ottawa–Orléans):** On Saturday evening I had the pleasure of attending the Fallingbrook Community Association's volunteer recognition awards night at the Ray Friel Recreation Complex in my riding of Ottawa–Orléans. The Fallingbrook Community Association, or FCA, hosts an award night annually in order to recognize the volunteers who come together to make



Orléans an even better place to live. The awards were hosted by Zybina Richards, the president of the FCA. I was happy to present the awards to the recipients, alongside my colleagues and friends Councillor Bob Monette, Councillor Rob Jellett and the federal MP's representative, Royal Galipeau.

Mrs. Zybina Richards, our FCA president and host for the evening, was an award recipient herself. The FCA was honoured to present her with the long-term service award for all her efforts within the association as well as in the community. Mrs. Richards is the association's longest-serving president, and has now held this position for over six years.

Other recipients included Kelly Grant, the fourth Orléans Scout leader who helped to organize last year's Greater Orléans Canada Day celebration, and Alexandra Gayle, who received the Girl Guides junior leader award. Alexandra has been a junior leader for the past two years. Meredith Vrbanc received the English Catholic school award for her volunteer work at the St. Francis of Assisi Catholic School, work done over the last four years.

C'était un honneur de participer à cette cérémonie. Il y a tant de personnes dans notre communauté qui doivent être reconnues pour leur service bénévole. Nous à Orléans sommes vraiment chanceux d'avoir des gens qui veulent sacrifier leur temps pour servir notre communauté.

#### VICTIMS OF CRIME

**Mr. Robert W. Runciman (Leeds–Grenville):** I wanted to make a few comments in the House today following the reading of an article in Monday's Toronto Sun which reported on the funeral for Mahmood Bhatti, the Beck taxi driver who was murdered, stabbed to death last week in Toronto.

The part of the story that certainly drew my attention was the fact that friends of the family have established a fund to raise monies to assist the family in meeting the costs of continuing to meet the everyday challenges of living in this community. Apparently, they are not receiving any assistance from the Criminal Injuries Compensation Board in the province of Ontario. I want to mention that donations to the Mahmood Bhatti fund can be made at any TD Canada Trust branch, and I would encourage people to do that.

My point is dealing with the lack of assistance for the victims of crime in this province. We've seen the Wamback family foundation, and we've seen Louise Russo forced to do a plea bargain with members of organized crime organizations, while the Criminal Injuries Compensation Board is sitting on a surplus of \$40 million. I would encourage the government to move in a meaningful way to assist victims of crime.

1340

#### IMMIGRANT SERVICES

**Mr. Peter Fonseca (Mississauga East):** I rise today to share with the House a unique program benefiting new

Canadians both in my riding of Mississauga East and all across the GTA. The Dixie Bloor Neighbourhood Centre in my riding is now working as part of the Mentoring Partnership, an alliance of community agencies in the city of Toronto, Peel region and York region which offer occupation-specific mentoring to skilled immigrants.

The Mentoring Partnership, a brainchild of the Toronto Regional Immigrant Employment Council, matches new Canadians with established professionals in their employment field. The Mentoring Partnership currently has over 35 corporate partners, 950 registered mentors and close to 1,000 matches. The mentor relationship lasts for four months, during which time mentors assist new immigrants through the job search process, providing guidance on how to write a Canadian resumé, how to prepare for an interview and how to network. Mentors also provide valuable knowledge about Canadian workplace culture and access to professional networks.

About 125,000 newcomers arrive in Ontario each year, more than half of those coming here to Ontario. The McGuinty government is committed to helping newcomers reach their full potential.

I want to take this time to acknowledge and congratulate the Mentoring Partnership and its sponsors for the invaluable contributions they make to the lives of new Canadians. By doing so, they are helping us strengthen Ontario's workforce for the future.

#### HOSPITAL SERVICES

**Mrs. Carol Mitchell (Huron–Bruce):** A few days ago, I had the opportunity to attend Clinton Public Hospital's 100th anniversary, and this Friday I have the opportunity to attend Wingham hospital's 100th anniversary. This is a true milestone for these two hospitals. Each hospital has delivered quality care to the community, and I know they will continue to do so for many years to come.

I have taken the time to travel throughout my riding to visit each hospital—and I just want to make everyone aware that I have eight hospitals in my riding. Each time that I go, I am reminded of how hard the staff, doctors, nurses and all the other health care providers work to deliver the excellent health care that we receive. I would like to thank each and every one of them, because they are the force behind our quality health care system.

I would like to take this time to congratulate Clinton and Wingham hospitals for 100 very successful years.

#### HEARING LOSS

**Mr. Michael Gravelle (Thunder Bay–Superior North):** Last week, I was privileged to take part in the Canadian Hearing Society's hard of hearing day event in Thunder Bay. Along with other civic leaders, I was outfitted with earplugs and foam padding to simulate a severe hearing loss. At that point, I was set out into the community to get a sense of what it's like to deal with a government agency as a hard-of-hearing individual.



The experience was incredibly instructive, but also somewhat intimidating. As a result of my hearing loss, I no longer felt in control of my circumstances, and often felt physically disoriented. Although everyone I dealt with treated me respectfully, I developed a new awareness of how challenging the world can be for people living with a severe hearing loss. I had always thought that having a close relative with hearing loss, as I do, had sensitized me to those realities, but I learned that day that you truly do need to walk a mile in someone else's shoes to understand the reality of the situation. Having said that, it was a wonderful opportunity for me, and our team had a good time as well.

I want to thank Nancy Frost at the hearing society for arranging the day, but I need to reserve special thanks for Jaclyn Balcom and Kerrie Whitehurst, two young women who live with a hearing loss and who advised, guided and protected me and who made sure I truly understood the challenges faced by people with a hearing loss, but who also showed me that although their lives are clearly impacted by their hearing loss, they can and do lead complete and fulfilling lives. I also want to thank Shirley King, one of Thunder Bay's most wonderful volunteers, for being my driver that day. It was wonderful, altogether a great experience.

## REPORTS BY COMMITTEES

### STANDING COMMITTEE ON GOVERNMENT AGENCIES

**The Speaker (Hon. Michael A. Brown):** I beg to inform the House that today the Clerk received the report on intended appointments dated May 10, 2006, of the standing committee on government agencies. Pursuant to standing order 106(e)(9), the report is deemed to be adopted by the House.

### STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

**Ms. Andrea Horwath (Hamilton East):** I beg leave to present a report from the standing committee on regulations and private bills and move its adoption.

**The Clerk-at-the-Table (Mr. Todd Decker):** Ms. Horwath from the standing committee on regulations and private bills presents the committee's report as follows, and moves its adoption:

Your committee begs to report the following bills without amendment:

Bill Pr19, An Act to revive Golden Dreams Home and Decor Ltd.; and

Bill Pr24, An Act respecting the City of London.

Your committee begs to report the following bill as amended:

Bill Pr25, An Act respecting The Sisters of St. Joseph of Hamilton.

**The Speaker (Hon. Michael A. Brown):** Shall the report be received and adopted? Agreed.

## VISITORS

**Ms. Andrea Horwath (Hamilton East):** On a point of order, Mr. Speaker: I rise to welcome to the Legislature Brendan and Dianne O'Brien, who are actually sitting in the government gallery. Brendan and Dianne are visiting from St. John's, Newfoundland. They are the parents of my wonderful legislative intern, Dan O'Brien.

**Mr. John O'Toole (Durham):** On a point of order, Mr. Speaker: It being Community Living Day at Queen's Park, I'd like to recognize Gary Cooke, who is a constituent of mine, his daughter Lori, and more specifically, Community Living Oshawa/Clarington and Community Living Durham North.

## MOTIONS

### HOUSE SITTINGS

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** I move that, pursuant to standing order 9(c)(i), the House shall meet from 6:45 p.m. to 9:30 p.m. on Wednesday, May 10, 2006, for the purpose of considering government business.

**The Speaker (Hon. Michael A. Brown):** Mr. Bradley has moved government notice of motion 133. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

*The division bells rang from 1348 to 1353.*

**The Speaker:** All those in favour will please rise one at a time and be recognized by the Clerk.

### Ayes

Amott, Ted	Klees, Frank	Phillips, Gerry
Arthurs, Wayne	Kular, Kuldip	Qaadri, Shafiq
Bartolucci, Rick	Levac, Dave	Ramal, Khalil
Berardinetti, Lorenzo	MacLeod, Lisa	Rinaldi, Lou
Bountrogianni, Marie	Marsales, Judy	Runciman, Robert W.
Bradley, James J.	Martiniuk, Gerry	Ruprecht, Tony
Brownell, Jim	Matthews, Deborah	Sandals, Liz
Caplan, David	Mauro, Bill	Smith, Monique
Chudleigh, Ted	McMeekin, Ted	Smitherman, George
Colle, Mike	McNeely, Phil	Tory, John
Delaney, Bob	Meilleur, Madeleine	Van Bommel, Maria
Di Cocco, Caroline	Miller, Norm	Watson, Jim
Dombrowsky, Leona	Mitchell, Carol	Wilkinson, John
Duguid, Brad	Munro, Julia	Witmer, Elizabeth
Elliott, Christine	O'Toole, John	Wong, Tony C.
Fonseca, Peter	Oraziotti, David	Wynne, Kathleen O.
Gravelle, Michael	Ouellette, Jerry J.	Zimmer, David
Hoy, Pat	Parsons, Ernie	
Jeffrey, Linda	Peters, Steve	

**The Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.



**Nays**

Bisson, Gilles  
Horwath, Andrea  
Kormos, Peter

Marchese, Rosario  
Martel, Shelley  
Prue, Michael

Tabuns, Peter

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 55; the nays are 7.

**The Speaker:** I declare the motion carried.

**VISITORS**

**Hon. Caroline Di Cocco (Minister of Culture):** On a point of order, Mr. Speaker: I'm really pleased to have here with us a number of members from ACTRA, including the president and executive director. I'd like them to stand, and for the House to recognize these incredibly talented people.

## **STATEMENTS BY THE MINISTRY AND RESPONSES**

**FLU PANDEMIC PREPAREDNESS**

**Hon. George Smitherman (Minister of Health and Long-Term Care):** I'm pleased to rise during a week that has been designated Emergency Preparedness Week. Emergency preparedness is an issue our government takes very seriously, and it is an issue for which my ministry is a lead partner. Therefore, allow me to take a few moments to advise you, Mr. Speaker, and all members of the assembly of the steps we are taking to ensure that Ontario is properly prepared for the threat of an influenza pandemic.

Let me also advise all members that our government's pandemic plan is not a static report, but rather a living and growing document that continues to be revised and improved and strengthened.

A pandemic is defined by its scope. It becomes a global epidemic or pandemic once it has spread around the world and affected a large percentage of the population wherever it spreads. An influenza pandemic would do precisely that. The threat is real, and the historical precedents are frightening. The Spanish flu pandemic of 1918-19 took the lives of more than 20 million people.

Public health experts tell us that another flu pandemic could happen any time, but they also tell us that if we're prepared, we can reduce the number of people who might become infected and the number who might die. Because pandemic flu spreads the same way as ordinary flu—by hand contact and through droplets contained in sneezes and coughs—basic precautions can greatly reduce its spread. Individuals can and should take precautions, like getting an annual flu shot, washing their hands with soap and staying home when they're sick.

Province-wide preparation and planning are also essential. In planning for a pandemic, our principal goal is to limit the impact of the influenza while continuing to provide the health services Ontarians need.

In order to prepare for a pandemic outbreak, the government of Ontario is stockpiling antiviral drugs and supplies; monitoring flu patterns here and around the world; ensuring we can distribute supplies, drugs and vaccine as soon as possible; and developing emergency plans to maximize the number of health care providers and facilities that are ready to fight the battle.

We will also provide regular updates to tell Ontarians how to protect and care for themselves and their families. That's why we're distributing three million flu pandemic brochures through drugstores, physicians' and dentists' offices, public health units and hospitals, all with the assistance of our health care associations and stakeholders. This brochure is also available on our website in more than 24 languages.

Earlier today, I announced another important weapon in the battle against pandemic flu. This morning I announced that we will be distributing emergency infection control kits to community physicians, family health teams, community health centres and midwives. Some 15,000 kits will be prepared and shipped in late May and June. These kits will give providers and staff concrete support to protect themselves and, by so doing, protect their patients in an infectious disease emergency. The kits contain personal protective equipment for infection control: things like masks, gloves and disposable gowns. The kits also contain communications materials for posting in offices as well as instructions on how to use these materials.

**1400**

In an emergency, the kits will help protect community health care providers and their staff from droplet-borne illnesses such as flu for the first seven to 10 days of an outbreak. After that initial period, these providers will have access to provincial stockpiles to address whatever needs remain. These stockpiles, currently being enlarged, will be available to all health care organizations once their own stockpiles have been utilized.

International experts have already said that essential supplies such as surgical masks are likely to be scarce and much sought after in the event of a pandemic. That's why we're working now to build our stockpiles of necessary supplies and equipment for infectious disease emergency. Such preparedness is absolutely essential.

I'd also like to take a moment to acknowledge and thank my parliamentary assistant, the member from Bramalea-Gore-Malton-Springdale, who serves as pandemic lead and who brings tremendous dedication, energy and expertise to this job. Without Dr. Kular's efforts, our government would not be in the position we're in today.

Allow me also to acknowledge and thank the Provincial Infectious Diseases Advisory Committee and the College of Physicians and Surgeons of Ontario. Both have been central to this effort and will continue to play a vital role in this process.

These efforts at pandemic preparedness reflect our vision of a health care system that will keep Ontarians healthy, provide them with quality care whenever they are sick and be there for future generations.



It's by acting now that we can be best prepared for a flu pandemic, and so we are. I know that all members support these efforts and share our commitment to this issue, and I wish to thank them.

**The Speaker (Hon. Michael A. Brown):** Responses?

**Mrs. Elizabeth Witmer (Kitchener–Waterloo):** I'm pleased to respond to the statement that has been made by the Minister of Health and Long-Term Care. However, I would briefly indicate to the minister that I think what is most disappointing is what was not talked about. Today, we have learned about something that has been made available to physicians and others, but the reality is that we know from other people that there is concern in the province that the government has not yet developed, or has, emergency plans available that are going to take us where they need to go. The whole plan is not yet complete.

But let's take a look at what this minister is doing. On a regular basis, we see many announcements being made. Most of them are totally lacking in any substance; there is no detail, there are no timelines, there is no money. If we take a look at some of the things that have happened in the past, we know there was an announcement made about health care workers not too long ago; again, no details, no dates, no timelines, no dollars. There was no indication as to who would fill those health care roles, who would be eligible, where the people were going to be trained or what this was going to cost. We're just hearing a lot of announcements without any real substance.

I would go on to say to you that we've heard announcements about nurses. There is growing concern from health stakeholders about the fact that the government is not going to be able to live up to its promise of creating 7,000 new nursing jobs. In fact, Doris Grinspun is on record today in the *Toronto Sun* indicating that she is not convinced that the "McGuinty government will live up to its promises of 7,000 new nursing jobs and 70% of all nurses working in full-time positions." She says, "We are not encouraged by the rate of progress.... It takes up to six months for a new nurse to find any kind of work ... and up to two years ... to find full-time work." She's also concerned about HealthForceOntario, "which will see the province set up a job portal for professionals from abroad, including nurses.... She calls that move 'unethical' and says, 'It's the US strategy of a quick fix.' There's a worldwide shortage of nurses ... with vacancies soon to be in the one-million range."

So there is growing concern on the part of stakeholders that this government continues to make announcements without any real substance, without any real detail. The announcement was made concerning the fact that there are going to be jobs available for new graduates. There's no confidence that that is going to happen either. In fact, the announcement that was made regarding new graduates and the talk about the fact that there was going to be tuition funding available if they went to rural areas is simply a re-announcement of an announcement our government made and that the Liberal

government cancelled shortly after they took office. So for them to pretend this is a new announcement, there is nothing that could be further from the truth.

The other thing is, we know that the wait time strategy is not achieving success. We continue to get many letters from individuals who are waiting long times, not just for the five priority areas, but certainly we know now firsthand that the other surgeries are waiting even longer as a result. And people are certainly not consoled by the fact that they can go to a website, because it is not improving access to the wait times whatsoever.

We're also hearing growing concerns about the family health teams. I met again with a group of people today. I met with some people last week. There is growing frustration about the inability of this Liberal government to deliver on the promise to actually put in place 150 family health care teams. They are just not able to do so. There are administrative challenges, there is too much bureaucracy, and doctors and other members of the health care team are becoming increasingly frustrated at the roadblocks and the lack of any template and assistance that this government has available to ensure that these family health teams are actually going to be up and operational.

I would say to the government, despite all the announcements on a daily basis, concern is growing about your ability to meet the needs of the people in this province.

**Ms. Shelley Martel (Nickel Belt):** In response to the statement made by the Minister of Health today, let me say on behalf of New Democrats that Ontario's ability to respond to a flu pandemic is not going to depend on emergency infection kits being sent out to health care providers; it's going to depend on the number of front-line health care providers that we have in our institutions and in our communities in order to respond to a crisis. That is the bottom line.

The problem that we have in Ontario is that we do not have enough of those front-line emergency and health care providers to be able to respond to a SARS 2 crisis. Let's deal with nurses first. The president of the Ontario Nurses' Association, Linda Haslam-Stroud, was here a little over a week ago with 8,000 petitions representing the government's pledge to hire 8,000 new nurses in the province of Ontario—a pledge that this government has fallen far, far short of meeting to date. In fact, according to the government's own records that we have obtained through a freedom-of-information request, the government has hired 3,052 nurses to date, and 1,000 of those nurses are temporary, three- and six-month positions, for new graduate nurses in hospitals and long-term-care homes, not permanent positions in hospitals or long-term-care homes.

Now, not only has the government not lived up to its commitment to hire 8,000 new nurses and is far short of that goal but, as the president of ONA said, we are facing a major, major registered nurses shortage crisis right in the face. In 2008, 30,000 nurses in the province of Ontario will qualify to retire—30,000 registered nurses will qualify to retire two years from now. So the minister



goes out and makes an announcement on Monday that he is going to guarantee that 4,000 new graduate nurses will get a job in 2007. We need to hire 4,000, 4,000, 4,000 and 4,000 more if we are ever going to meet the needs and to replace those registered nurses who are going to be leaving the profession. Of course, we expect those nursing graduates to be hired. They'd better be, or what are we going to do with respect to patient care in the province of Ontario? And it can't only be 4,000; it has to be a whole lot more than that that we hire in this province in order to ensure adequate patient care. So we have a problem with the number of registered nurses in the province.

The minister, in his remarks, talks about midwives. Well, let me give you a quote with respect to midwives, because the Ontario midwifery association just this week, on Monday, because May 5 was Midwifery Week in Ontario, called on this government to increase the number of midwives in the province. They made it clear that last year, four out of every 10 women who wanted to use midwives in the province were turned away because there are not enough midwives to provide this kind of primary care.

1410

The association has had a proposal in to the Ministry of Health since June 2004 to expand the midwifery education program to double the number of enrolments by 150. Two years later we are in a situation where the government has failed to respond to this important proposal, where the government has failed to respond to the needs of women who want to use midwives as their primary care providers. Whether or not existing midwives have their kits doesn't respond to the fact that in a crisis we're going to need a whole lot more midwives just to deal with the crisis. The government should say yes to the proposal that has been put forward, double the enrolment of the midwifery education program and make sure we are responding to the primary care needs of so many women across this province.

Finally, most recently the government was given a report called Revitalizing Ontario's Public Health Capacity. That report was done to look at the abysmal state of public health in the province, specifically with respect to personnel. There are not enough full-time medical officers of health, there are not enough epidemiologists and there are not enough inspectors in our public health units across the province.

The capacity review committee made a number of recommendations specifically with respect to recruitment and retention of these personnel in our public health units. We know for a fact that in Toronto, the Toronto public health unit was very stressed—stressed to the max—during SARS, and we can't allow that to happen again. The government should look at the recommendations, 11 in total, made with respect to recruitment and retention, and get on with the job of making sure our public health units can respond, are adequately staffed and will be in place to protect public health during the next crisis.

## COMMUNITY LIVING DAY JOURNÉE DE L'INTÉGRATION COMMUNAUTAIRE

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** On a point of order, Mr. Speaker. I believe we have unanimous consent for all parties to speak for up to five minutes to recognize Community Living Day.

**The Speaker (Hon. Michael A. Brown):** Agreed? Agreed.

The Minister of Community and Social Services.

**Hon. Madeleine Meilleur (Minister of Community and Social Services, minister responsible for francophone affairs):** I rise today to recognize Community Living Day in Ontario. I would like to acknowledge all the community living groups present in the House today. There are a number of them, but I particularly want to acknowledge Garry Cooke, president of Community Living Ontario, and Keith Powell, executive director of Community Living Ontario. Thank you for your wonderful work, for your leadership and for being here to celebrate Community Living Day in Ontario.

As a province, we continue to build opportunities for each of our citizens to find success and be fully included in our communities. But we know that some Ontarians need extra support in order to achieve their potential.

Pour des milliers de personnes atteintes de déficience intellectuelle, les soins prodigués par les bénévoles et le personnel des organismes locaux de l'intégration communautaire permettent d'offrir à ces personnes de nouvelles chances de se réaliser.

Grâce à une aide attentionnée, ces personnes acquièrent de nouvelles aptitudes et découvrent qu'elles peuvent participer en toute liberté au monde professionnel et scolaire, et devenir plus autonomes chez elles.

Our government is helping Ontarians with disabilities to participate in their communities and achieve their potential by introducing the Accessibility for Ontarians with Disabilities Act, improving employment supports for people who rely on the Ontario disability support program, and committing to the closure of the last three government-operated institutions so that all people with a developmental disability can have a home in our communities.

Pour nous aider à concrétiser la vision de l'intégration communautaire, les nouveaux investissements consentis par le gouvernement McGuinty pour les personnes atteintes de déficience intellectuelle dépassent maintenant 276 \$ millions.

Under the leadership of Dalton McGuinty, we have invested over \$276 million for people with developmental disabilities.

Il s'agit d'investissements en faveur des personnes, des familles et des collectivités qui créent de nouvelles possibilités et renforcent les services et les aides dont dépendent des milliers de personnes.

Ensemble, nous dressons un plan qui tient compte des problèmes des particuliers et des familles et qui relève les défis auxquels se trouve confronté notre système de



services aux personnes ayant une déficience intellectuelle.

Our plan is based on several important principles, including citizenship to promote self-determination and participation; fairness and equality so that people with the same needs get the same supports no matter where they live; accessibility and portability, so that when people move, their supports move with them; and sustainability, so that there will be a strong foundation of supports available for future generations of people with developmental disabilities.

Our plan will give families choices and flexibility and create a more streamlined and consistent way to access a broader range of supports. By joining together in this vision, we will make Ontario a more inclusive province where everyone can participate in their community and everyone has the opportunity to build success.

I would like to take this opportunity to thank Ernie Parsons, my parliamentary assistant, who did wonderful work by travelling the province to consult with those who work with people with developmental disabilities and gave us advice on what we can do to improve their situations.

**Mr. Gerry Martiniuk (Cambridge):** I would like to welcome all of our community living organizations, volunteers, parents and self-advocates to Queen's Park today for Community Living Day. On behalf of the Progressive Conservative caucus I applaud all community living organizations across our province for the wonderful work they do. Their dedication to helping those who have handicaps and their families is insurmountable. Our leader, John Tory, is an honorary director of Community Living Toronto and a sometime fundraiser for that organization. Thanks to community-minded citizens like Garry Cooke, president of Community Living Ontario; David Barber, past president; Bob Giasson, vice-president; Ken Dingleline, treasurer; and Keith Powell, secretary, as well as all the volunteers and staff, community living is an outstanding organization that really helps those in need.

I know how valuable Community Living Cambridge is in my riding. I believe that this organization truly reflects their mission statement very well. It reads, "Community Living Cambridge believes that all persons who have a mental handicap should live in a state of dignity." Community Living Cambridge works hard to ensure that they uphold their mission statement and they do an excellent job. Every year, Community Living Cambridge holds a dinner and dance that is really impressive. Many of their clients as well as parents attend, and the smiles on all their faces are amazing. Community living really makes a difference in the lives of those in need and their loved ones.

I would like to thank Dorothy Spencer, president of Community Living Cambridge; Val Brooks, vice-president; Maureen Butler-Morin, past president; Byron Bates, treasurer; and Michael Mullen, secretary, for all their tireless efforts in our community. They, as well as the rest of our board of directors, staff and volunteers, continue to do a phenomenal job.

It is very important for all of us to recognize the wonderful work community living does for our province. They offer a vast amount of programs such as preschool programs, residential and adult day services, to name just a few. These programs are critical for people with intellectual disabilities.

I believe that this year's theme, "Kids Belong Together," is incredibly important. Mr. Cooke said earlier today that education is a cornerstone in shaping a person's lifelong citizenship. That really says it all. Our children with intellectual disabilities need interaction with other children, and those other children need that interaction just as much. Inclusive education would be beneficial for all to educate all of our students to recognize and respect diversity.

In closing, I would like to thank all of our community living organizations, volunteers and parents who are here today. The Progressive Conservative caucus joins with you in celebrating Community Living Day.

1420

**Mr. Michael Prue (Beaches–East York):** I rise with pride today to celebrate what is the seventh Community Living Day in this Legislature. On behalf of the NDP caucus, I welcome everyone to this Legislature who is here to celebrate that. I welcome the workers; I welcome the clients; I welcome the volunteers; I welcome the families of all of them.

Community Living's 2006 message is, "Kids Belong Together." We could not agree more. When we in Ontario have an education system that welcomes and facilitates the participation of those who belong here, then and only then will we have true inclusion. As your president, Garry Cooke, stated, "Education is a cornerstone in shaping a person's lifelong citizenship. When the education system welcomes and supports children to learn and to be part of the school around them, it has a profound effect on the nature and extent of their social and economic inclusion in the community as they grow into adults."

We know from years of extensive research that everyone touched by the process of inclusion learns valuable life lessons in respect of diversity, co-operation and understanding. We also sadly know that far, far too many—and in fact the majority—of children in the province with developmental disabilities do not have today that opportunity. Community Living's focus on inclusivity in education should help the government to recognize that children with disabilities, and in fact all children, will thrive when integration becomes the norm. Supports to meet all needs must be in place, and a greater understanding of the true meaning of safe schools for all students is necessary to reach that goal.

I couldn't forgive myself if I didn't also talk about inclusivity not only in the schools and not only for children but of adults. Inclusivity in this province means having sufficient monies, having the programs available to look after oneself. ODSP rates are sadly inadequate. Most people who are disabled are on some form of ODSP. Even when they have that money, if they are able to find some small work, some of it is clawed back. The



amount of money that they are able to earn is altogether too inadequate. As a Legislature, it would virtually cost nothing for this province if we were to increase the amount of money that they would be able to make in jobs that they have without clawing it back.

*Interjection.*

**Mr. Prue:** Not enough. You haven't done it enough. The member thinks she has done something; she has done almost nothing. We still claw back the money that these individuals make, and we ought not to be doing it. We need to make sure that they live above the poverty level; most of them still live below it.

I can tell you about some of the workers as well. Many of you would know my executive assistant in my office, Laurie Orrett, but you would not know her daughter. Her daughter is a young woman who has just finished high school and has a job. She works for two of the largest agencies serving people with developmental disabilities here in the GTA, The Meta Centre and Reena. I know that her heart is in absolutely the right place. She has volunteered there. She now has a job there and makes some money, but what I see happen to her I know happens to many workers across this province. Many of us would consider what she is paid to be not an adequate wage. She is paid \$12 in one location and \$15 in another, and that is at the top of the range.

We know that people with developmental disabilities often have a very difficult time. I would commend all the groups that help them. In my own riding we have Pegasus, which I talked about last year. We have Three Guys. We have the Dream Team, which works throughout Toronto. We also have a group called Lemon and Allspice, which works to train people to bake and provide confectionary service for many locations in this city.

But all of these people together and all of the work that they do is simply not enough. We need to do more. We need to do more to recruit the very best people to work with those with developmental disabilities. We need to include those with developmental disabilities within the school system and within the broader range of society, and we need to help the families to make sure that they have the very best service available to them. Then, and only then, can this Legislature stand and say that the day dedicated to community living will be a success.

I look forward to that day and commend the people who have come out here today, and ask all members of the Legislature: Next year, make sure we can talk with total pride about what we do for this community.

## ORAL QUESTIONS

### FEDERAL-PROVINCIAL FISCAL POLICIES

**Mr. John Tory (Leader of the Opposition):** My question is for the Premier. Premier, I think there is broad

agreement in this House that Ontario needs a new deal when it comes to the country's financial arrangements.

*Applause.*

**Mr. Tory:** I thank the members opposite for the applause. It's certainly not a new statement from me, but I'm glad to have their applause any time I get it.

When asked about—

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Order. Stop the clock. You know, this really isn't a participation sport. We're looking for one member to be asking one question, and then one response from one minister.

The Leader of the Opposition.

**Mr. Tory:** That would be an innovation, Mr. Speaker, but most welcome indeed.

Premier, when asked about the equalization agreement from the fall of 2004 by the media this morning, you said, "It was something that I opposed." You went on to say: "I don't recall signing anything. That was the imposition of the Martin government." Can you please confirm for us that this is indeed what you said this morning, that this was an arrangement that you "opposed"?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I appreciate the opportunity to speak to this. The member opposite will want to understand, of course, something of the nature of the circumstances going into that meeting. In fact, there was a proposal on the table put forward by three of my colleagues to increase equalization from \$8.9 billion to about \$15 billion per year. We had a very healthy discussion, if I might put it that way, internally, where I expressed, as I had outside prior to the meeting, my opposition to any healthy enhancement to the equalization in the range of going from \$8.9 billion to \$15 billion. I'm pleased to say that, in fact, did not happen.

**Mr. Tory:** I think if we are fair with the context of the questions this morning, the reference the Premier was making was to the arrangements that were actually announced in October 2004 and have indeed been implemented. I have said many times the same thing that you've said this morning and in your briefings today; namely, that a system that has an automatic escalation, regardless of how Ontario's economy is performing, for example, is not the best one when it comes to the province of Ontario.

The difference is, you were at meeting in October 2004 and I wasn't. In October 2004, in commenting on the deal you reached with Prime Minister Martin, not about what had gone on before the meeting, you said, "From our perspective as an Ontarian, we have come to a reasonable accommodation." That's the Toronto Star. In the Ottawa Citizen you said, "We have come to a reasonable accommodation ... we think we have struck the balance between making a fair contribution to the strength of the federation without compromising our ability to invest in the kind of programs that enable us to act as Canada's economic engine."

There's quite a discrepancy between these two. Our ability to get a new deal for Ontario will depend on



consistency and credibility. Did you in fact oppose the 2004—

**The Speaker:** Premier.

**Hon. Mr. McGuinty:** I think the issue before us today is whether or not we should enrich equalization further. That's the issue that is before us today. I've made it very clear that at this point in time, I think it would be inappropriate and unfair to Ontarians to contribute to a further enhanced equalization program. There is now a built-in escalator of 3.5%. It was enriched by 30% during the course of the last four years; that is, the equalization program itself.

The issue that is before us today is whether or not we should enrich it further. What I'm saying is that we should not. The members opposite may know there is a proposal on the table to enrich it by 28%. That would take Ontario's contribution from \$4.9 billion to \$6.3 billion. I have been very clear. I think that would be unfair to Ontario taxpayers.

1430

**Mr. Tory:** I repeat to the Premier: I think we need a better deal for Ontario, but we need to have consistency and credibility in order to get that deal. My question—

*Interjections.*

**The Speaker:** Stop the clock. I need to be able to hear the Leader of the Opposition make his question plain.

**Mr. Tory:** You are going to have to deal on our behalf with the government of Canada and with the other Premiers, and that is where the credibility and consistency is important.

My question was not with respect to where we're starting from today, but with respect to comments you made this morning and in October 2004 with respect to the deal that is in place today and that you are a part of. My question was very simple: When you said this morning that you opposed it, did you mean what you were saying then, or did you mean what you were saying in October 2004, when you described the very same deal as a reasonable accommodation? I think our partners in Confederation who are inside that room deserve to know which of those two answers applies to that deal, and so do the people of Ontario. Which is it?

**Hon. Mr. McGuinty:** I can assure the leader of the official opposition that my partners in Confederation aren't talking about the 3.5% escalator, which has been nailed down. What they're talking about is further enrichment to the existing equalization program. I think what Ontarians want to know is whether or not Mr. Tory supports further enrichment of the contribution we're already making to equalization, what it would represent, understanding now that the proposal that's on the table would take us from \$4.9 billion to \$6.3 billion. That represents, on a per capita basis for a typical family of four, going from \$1,555 being contributed to support programs and services in the equalization-receiving provinces, and adding to that another \$429 to support programs and services in other provinces. We think we should hang on to that \$429 for purposes of investment in our schools, in our hospitals, in our infrastructure and in the health and growth of our economy.

## MEMBER FOR PARKDALE-HIGH PARK

**Mr. John Tory (Leader of the Opposition):** My question again is for the Premier. Just so we can all be clear, Premier, can you tell us what is your standard as Premier and as leader of the Liberal Party of Ontario with respect to the matter of attendance in the House by members of provincial Parliament and the allocation of their time to the carrying out of their duties as an MPP?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** What the leader of the official opposition is getting at, of course, is the question of Mr. Kennedy, but I would ask him, in considering Mr. Kennedy, that he consider Mr. Flaherty. He announced he was leaving the Ontario Legislature on April 22. He actually resigned his seat on November 29. The elapsed time was 221 days. In the case of Mr. Baird—

**Interjection:** He was here every day.

**Hon. Mr. McGuinty:** The member opposite says he was here every day, and that's news to Mr. Flaherty. I say, regarding Mr. Baird, he announced he was leaving the Ontario Legislature on April 15. He resigned his seat in fact on November 29. The elapsed time was 228 days. Mr. Kennedy announced his resignation just 35 days ago.

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Order. I can wait.

The Leader of the Opposition.

**Mr. Tory:** What we didn't get was any articulation on a standard by the Premier, but the difference in terms of the examples that he did cite is that those two people in fact were in the House on a regular basis, took part in votes in the House, asked questions in the House and participated in the debates in the House during the period of time that the Premier made reference to.

In the case of the former Minister of Education, he has missed 53 votes in a row in the Legislature since making the announcement the Premier referred to. I'm asking a simple question. Maybe the Premier will say 53 votes in a row and really not appearing here at all is an acceptable standard over the period of time you referred to; maybe not. My question is, don't you think it's your responsibility to set some standard and to ask him to step down from his seat in the Legislature, since he clearly is not devoting himself to those duties, based on the fact you can't be two places at once and doing two things at once when he's outside of the province almost entirely?

**Hon. Mr. McGuinty:** As usual, I'm always appreciative of the advice offered by the leader of the official opposition, notwithstanding the precedent he set regarding Mr. Flaherty and Mr. Baird.

Mr. Kennedy remains devoted to his constituents. As recently as last week, he was part of a very important announcement which improves the quality of health care services available in his constituency. Mr. Kennedy has made perfectly clear that at some point in time he will in fact be resigning. A by-election will naturally flow from that. But that is a matter between Mr. Kennedy and his



constituents, and as he's indicated, he will choose, together with them, the appropriate time to do that.

**Mr. Tory:** There is at least some consistency on this matter, because you did say yesterday that it's a matter for discussion between himself and his constituents. I'm assuming, from what you just said, that actually he could win the leadership of the Liberal Party of Canada and could continue to serve in that capacity as an MPP, because you said it is simply a matter between him and his constituents as to when he decides to step down.

I would suggest to you, with respect, that it is a matter for your leadership and setting some standards as to what is appropriate in this case, where today he's spending the day in Ottawa, and then he's off to New Brunswick, having been across the Rockies and in various other parts of the country, not here in the province of Ontario, and when he has said he's moving to Quebec for most of the summer.

What is your standard on this? It's not entirely up to him. You should be asking him for his resignation, because he's not able to devote himself to these duties.

**Hon. Mr. McGuinty:** I just don't think there's anything further I can shed by way of light on the situation. Mr. Tory has his particular perspective on this; I have mine, and I have nothing further to add.

## HEALTH CARE

**Mr. Howard Hampton (Kenora–Rainy River):** My question is for the Premier. Premier, the Medicor cancer clinic is a private, profit-driven operation opening today in Toronto. Its owners plan to charge patients an upfront fee of \$2,500 for an initial consultation and \$1,200 a month after that for ongoing care. Premier, this operation is in clear violation of the Canada Health Act and Ontario's Commitment to the Future of Medicare Act. It is another example of the two-tier health care that is happening in Ontario under the McGuinty government. My question is, what is your government going to do about Medicor?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the Minister of Health.

**Hon. George Smitherman (Minister of Health and Long-Term Care):** It's interesting to hear the honourable member, the leader of the third party, today talking about the Commitment to the Future of Medicare Act, a bill that he and his party colleagues did not have the courage to support in this place. It was that we understood as a government the fundamental obligation to ensure the longevity of the public health care system through making sure that we had stronger mechanisms in place to prevent two-tier health care.

The honourable member speaks about a clinic, an office that is open today. We have no knowledge at present that they yet have a client or patient. But I can assure the honourable member of this: The Ministry of Health is working so as to ensure that any clinic that proposes to charge a fee in exchange for access to an insured service, in other words, forcing people to pay a

fee before an insured OHIP service can be provided, is in contravention of the Ontario law, and the appropriate actions, which include very, very significant penalties, are part and parcel of the solution.

1440

**Mr. Hampton:** I asked the Premier what he was going to do; the Minister of Health says that he might act after the bank is robbed.

Private clinics like Medicor drain desperately needed doctors and nurses away from our public health care system. They undermine the principle of universal access to health care. They usually take the easiest-to-treat cases, leaving the public health care system with the more expensive and difficult-to-treat patients. The result is that they make wait times for cancer patients even longer and they are difficult to curtail once you allow them to set up shop. Again, my question to the Premier is this: When will the McGuinty government act to stop buy-your-way-to-the-front-of-the-line health care in Ontario?

**Hon. Mr. Smitherman:** The honourable member arrives a little late to the debate, and then he arrives with all of his legal training lost to the discussion. This is the honourable member who now says that it's possible in the province of Ontario to arrest someone for saying that they're going to do something in the future. A clinic purportedly opened today. No evidence is brought to this subject except a story from a newspaper, no evidence that any client or any patient has been engaged there and no evidence that any fee has been exchanged there for a service.

We put a strong law on the books, and this party voted against it. That law places strong penalties: prohibitions against the action of two-tier medicine and prohibitions against a charge in exchange for access to an insured service. I assure this honourable member, who did not have the courage to lead his party to support this legislation, that we understand our duties fundamentally. We are fundamentally in favour of a universally accessible public health care system, and we will take the appropriate action in response to the threat of this clinic and any other that occurs.

**Mr. Hampton:** The McGuinty government says it stands for medicare. We're asking the McGuinty government to finally take some steps to prevent two-tier health care, something you are so obviously reluctant to do.

Medicor says, "We also explore options for treatments—not routinely available to you—and will coordinate such care if you wish." In other words, those who can pay extra will get preferential access to medical services. Paying your way to the front of the line contradicts the Canada Health Act. Paying for intake services and medical records and turning away patients who can't or won't pay block fees are also illegal under Ontario law and Canadian law. The question is, is the McGuinty government simply going to lecture people or are you actually going to do something to prevent two-tier health care in Ontario?

**Hon. Mr. Smitherman:** Now today I get a lecture on lecturing from the lecturer. This honourable member in



his first question asked, "Why don't you vigorously apply the Commitment to the Future of Medicare Act, a bill that we oppose?" By his third question, he asked, "What are you going to do about the fact that you don't have strong enough laws to address this?" This is the inconsistency that comes from the honourable member.

Fundamentally, on the issue of cancer, here are the results that we've produced: cancer radiation waits are down 16% from 2004 to 2005; province-wide cancer surgery waits are down 4.3%. We believe fundamentally in investments in the public health care system, and we've acted to place a very strong law on the books of the province of Ontario, with very strong penalties, which this honourable member voted against.

I say to anyone that seeks to operate in this fashion in the province of Ontario that we will take all of the action possible within our laws and pursue other measures as required in order to ensure that patients in Ontario have equitable access to these services.

#### LAND REGISTRATION

**Mr. Howard Hampton (Kenora–Rainy River):** The only inconsistency we have is a McGuinty government that has lots to say but won't do anything to prevent two-tier health care.

To the Premier: Yesterday, you said that the Teranet initial public offering is good for Ontario. What you should have said is that it is a gift for corporate CEOs, because under this McGuinty government-approved scheme, 15 Teranet executives are in line for a \$90-million cash payout: \$6 million for each corporate executive. Premier, Teranet is a monopoly granted by the Ontario government to a private corporation, and the folks who pay the bills are the hard-working people of Ontario. My question is, how do you justify a \$90-million gift to corporate CEOs, paid for by the hard-working people of Ontario?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** The Minister of Finance.

**Hon. Dwight Duncan (Minister of Finance, Chair of the Management Board of Cabinet):** I'd like to remind the leader of the third party that the Ontario government has in fact agreed to permit Teranet to proceed with an income trust initial public offering that will provide excellent value to the people of Ontario. In August 2003 the province sold its 50% interest in Teranet, but retained full approval rights for any future sale until August of this year. The province also retained the right to share in the value of any future sale. We believe Ontarians have received excellent value for their interest in Teranet as a result of the transaction. More importantly, as part of the arrangement, important service improvements and system enhancements for Ontario's land registry system have also been negotiated. Most importantly, the Ontario government will continue to regulate the service levels and have full control of statutory fees to ensure the protection of consumers. Upon completion of the IPO, we believe the government will realize revenues of approximately \$400 million.

**Mr. Hampton:** When ordinary people dig deep into their pockets to pay the land registry fees, they trust the money is going to pay for the services they actually receive. Instead, they learned today that the McGuinty government has okayed \$90 million of their hard-earned money going into the pockets of 15 corporate insiders, at \$6 million per executive. As one investor advocate said, "Unless these insiders walk on water, \$90 million is a pile of cash." Premier, you are supposed to stand up for the working families of Ontario who pay the service fees. How could you sign off on a \$90-million looting of the people of Ontario?

**Hon. Mr. Duncan:** The deal had its genesis in 1991, and one needs to examine what long-term plan for executives was in place at that time. I would urge the member to use great caution when he intimates about who did what to whom, when, because as his government did to so many people on other files, you did an awfully different kind of job on this one as well.

I would again reinforce that this deal brings good value to the people of Ontario. It will bring \$400 million that can be invested in health care, in education and in other priorities. It brings service level enhancements and improvements. It keeps control over statutory fees. This is a good deal for the people of Ontario, a deal we made better—

**The Speaker (Hon. Michael A. Brown):** Thank you. Final supplementary.

**Mr. Hampton:** I know why the Premier doesn't want to answer this question, because it looks, oh, so much like the Highway 407 deal. A year before an election, the Premier is prepared to put up with a \$90-million looting of hard-working Ontarians in order that he can shove some money into an election-year budget. But here's what happens when Bay Street is allowed to control essential public services that people need. Once those services are taken over, they are captured by a culture of greed, and working families end up paying for huge executive salaries and bonuses. We see it with what you're doing in terms of privatizing our hydroelectricity system, and now we see it at Teranet.

Premier, when are you going to stand up and defend the working people of Ontario instead of handing out \$90 million in bonuses to corporate executives?

1450

**Hon. Mr. Duncan:** This Premier and this government stood up to defend the people of Ontario against a deal that his party and the official opposition had originally signed off on.

The executive compensation that was included in the deal was a matter that was arrived at in 1998, and it included New Democrats and Conservatives on the board at the time. At the time of the sale of the 50% interest, the province lost all of its ability to influence LTIP.

This is a good deal for the province of Ontario. This deal protects the people of Ontario on statutory fees, it ensures service enhancements to rural and northern Ontario and it ensures that a conservative estimate of \$400 million will come to the province of Ontario.



That long-term incentive plan was indeed a lot of money, and it was negotiated in a way that we could only try to fix it on other parts of the deal. We've done that, and we've done a good job of it.

#### NATIVE LAND DISPUTE

**Mr. Norm Miller (Parry Sound–Muskoka):** I have a question for the Premier. Your minister responsible for aboriginal affairs says that Caledonia is “the issue that this government is seized with 24 hours a day.” But upon receiving questions about the expanded perimeter, the bridge blockade over Highway 54 and objects falling off the bridge, the minister responded yesterday by saying, “I’m not aware of an expansion of the area of occupation.”

Premier, if your minister is indeed seized with this issue for 24 hours a day, why is he completely in the dark on the latest turn of events?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** The minister responsible for aboriginal affairs.

**Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs):** Thank you very much for the question. I would say to the honourable member that the way the question was couched yesterday, the local member made it seem as if that day some new activity was happening. According to the OPP incident reports, no new activity had happened since the weekend. You made it sound like something was going on in the last few hours, and it hadn’t. There had been no increase in any occupation or protest activity since the weekend. Everybody had been informed about that and nothing new had happened since that time.

**Mr. Miller:** Minister, perhaps you need to do what Mr. Barrett, the member from the area, has done, and that is to actually go to Caledonia and see first-hand what’s going on, because there is indeed a lot going on.

I think when the question was put to you yesterday, you didn’t respond at all to all the changes that have been going on. For example, we know from the weekend Brantford Expositor that over the weekend, protestors erected a new barricade on the north side of the Highway 6 bypass bridge over the Grand River. It seems that everyone knew about this except you.

Minister, you say that you have people on the ground in Caledonia and your people have the support of the whole Ontario government. Given these resources, why are you in the dark on the recent escalations? What steps have you taken to be better informed? And why don’t you do what the local member has done, which is to go to the blockade and actually meet with the people?

**Hon. Mr. Ramsay:** What we have done, and I’ll give you the latest details from this morning, is to facilitate discussions with the confederacy and other representatives of the Six Nations.

This morning, now for the first time, we launched the long-term discussions with the federal rep and the new provincial reps; Barbara McDougall and Jane Stewart

were there. Basically they sat down this morning and started to lay out what they’re going to be doing over the next few days. Meanwhile, discussions are going on, as we speak now, in regard to the short-term resolution to this dispute.

I would just like to say again to the member that everyone in this government is seized with the importance of this. All the Ontario government’s resources are focused on this issue, and it is job one from the McGuinty government.

#### ASSISTANCE TO ARTISTS

**Mr. Howard Hampton (Kenora–Rainy River):** A question to the Premier. Before the election, you promised to produce a report on the status of the artist in Ontario within the first two years of your government. Your government is now into its third year, and no such report has been released and no legislation has been tabled on the status of the artist in Ontario. When are we going to see the report and the legislation that were promised?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the Minister of Culture.

**Hon. Caroline Di Cocco (Minister of Culture):** First of all, I want to say that I’m proud of the fact that we had a stand-alone platform on culture in which status-of-the-artist legislation was a commitment we made. Since that time, we have had the advisory committee to the minister, which has been speaking to and is being advised by a number of individuals—4,000 people have responded. We are now in the process of taking all of those perspectives and are planning to move forward.

Today, I’m pleased that I met with a number of people from ACTRA, who are supporting our direction. We will be moving to legislation as soon as we can.

**Mr. Hampton:** After three years, no report and no legislation, the McGuinty government says this is moving fast.

The McGuinty government talks a lot about valuing culture, but in fact you’re letting down the very artists and actors, the very women and men, who work so hard to create culture in Ontario. Some examples: Child actors working in Ontario have virtually no legislated protection on the job. Often their education suffers or, worse, their safety is put at risk when they’re forced to perform stunts. Also, under Ontario law, most artists and actors are classified as independent contractors. According to the Employment Standards Act, they are not protected by the minimum labour standards that protect the rest of the workforce. Older artists have virtually no income security and are left to live in poverty because government refuses to average their incomes.

My question again: After three years, when are we going to see the promised report and the promised legislation on the status of artists?

**Hon. Ms. Di Cocco:** Not only have we been working for a very long time, trying to get this right, but we have accomplished a great deal when it comes to our cultural industry in this province.



I want to remind the member of some of the things we have done in our cultural industries. We have just provided \$49 million to support capital projects. We have provided \$23 million, because we believe we need to support and develop our media and creative clusters. We also know that we need to support our actors and try to help their quality of life and standard of living. We have every intention of doing so. We've made that commitment and—

**The Speaker (Hon. Michael A. Brown):** Thank you. New question.

#### SERVICES FOR THE DEVELOPMENTALLY DISABLED

**Mr. Kevin Daniel Flynn (Oakville):** I have a question for the Minister of Community and Social Services. As you know, Minister, today is Community Living Day. We're joined by a lot of people from Community Living from all over Ontario. I'm a frequent visitor to Community Living Oakville. Every time I go, I can't help but be inspired by the adults with developmental disabilities, because they see opportunities instead of barriers. They feel a sense of independence every day when they participate in day programs, and when they work in the workshop or in the various businesses in their local community.

As part of the McGuinty government's major transformation of developmental services, you recently announced an \$84-million injection into that service sector, the largest one-year investment that any government has ever done. I know it's going to go a long way. This investment is a strong indication that we support full inclusion in our communities. Can you please tell this House how agencies like Community Living will benefit from this investment?

1500

**Hon. Madeleine Meilleur (Minister of Community and Social Services, minister responsible for francophone affairs):** I thank the member from Oakville. I know he's a very great advocate for Community Living, and he also welcomed a Community Living individual in his office. So thank you very much.

Once again, I want to make sure this House understands that it's the largest investment in that sector that any government has had before. It's the single largest investment, and this will bring the total investment in developmental services to \$276 million since we formed the government, bringing the total we currently spend in this sector to \$1.35 billion. This investment will surely benefit Community Living. This funding will go toward the special services at home program, new permanent funding to expand residential services, and permanent funding—

**The Speaker (Hon. Michael A. Brown):** Thank you, Minister. Supplementary.

**Mr. Flynn:** Minister, I have a question now about the staff who work at Community Living. Those who work in this sector are tremendous individuals. They dedicate so much of their time to ensure that people who have an

intellectual disability continue to receive the quality supports and services they require in order to live meaningful lives in our communities. They're always working above and beyond so that individuals receive the highest level of care and so that they can have a full and productive life. As you are aware, Minister, members of all parties in this House have read petitions in the Legislature regarding staffing issues in this sector. Would you please explain what we have done to address these specific concerns?

**Hon. Mrs. Meilleur:** First of all, let me again thank all the people at Community Living and other organizations who help us to serve the most vulnerable citizens of our community.

In this year's budget, we have allocated \$30.2 million in new funding for agencies to address the pressures, including labour, wages and operating costs. We know there is still more work to be done. However, we are taking steps in the right direction. As we move individuals from the remaining three facilities into our communities, we will continue to need dedicated and committed staff in this sector.

I encourage young people who are looking at post-secondary education opportunities to seriously consider the different areas in developmental services. Through the Ontario development services career connections grant, we are giving students financial support for those who wish to pursue a career in this sector. Once again, I thank the staff.

#### ONTARIO DRUG BENEFIT PROGRAM

**Mrs. Elizabeth Witmer (Kitchener-Waterloo):** My question is to the Minister of Health. You announced on April 13 a new drug reform package that would give, you said, better access to drugs, approval more quickly, and rapid funding decisions were going to be made on breakthrough drugs.

Your announcement prompted Andrew McFadyen to call my office. His two-year-old son Isaac was born with an extremely rare and debilitating disease called MPS VI, which results in shortened stature, joint stiffness, clouding of the corneas, compression of the spinal cord, to include a few. However, Minister, there is treatment, namely, enzyme replacement therapy. This can reverse some of the problems of this disease and may even prevent them altogether. This is in accordance with what has been said by Dr. Joe Clarke of Sick Kids.

I ask you, Minister, will you commit today to ensure bridge funding for this enzyme replacement therapy until a national policy is put in place?

**Hon. George Smitherman (Minister of Health and Long-Term Care):** I note from the honourable member's question an acknowledgement that we have a new piece of legislation before the House. I'm proud to say that it's making progress, that it's going to go out to committee and that we're very committed to creating in Ontario a transparent drug system for patients that gives us the capacity, in a more transparent and timely way, to make important decisions. We believe that by seeking to



have the best possible pricing for drug product, we can expand access to innovative products to the benefit of patients in the province of Ontario, something we all share.

This is a very particular case, of course, brought to my attention by Minister Gerretsen. His staff have been offering support to the family. The drug in question does not yet have its notice of compliance, something that I think the honourable member will know. In a certain sense, this is resting, of course, with Health Canada and with the necessity of availing it only through the special access program. So I believe it's important for us to continue to work with the family to try and secure coverage for products that relate to enzyme replacement, and this is exactly what—

**The Speaker (Hon. Michael A. Brown):** Thank you. Supplementary?

**Mrs. Witmer:** The response provides cold comfort to Isaac and his family, who are here in the gallery today. They have obtained special access approval. They also know that this treatment is available in other countries, including Britain, and BC is considering granting approval for the drug. I want to tell you that if you are not prepared to provide funding, they will be forced to uproot their family, sell their home and move to Britain for treatment, where the drug is covered. So I ask you today, are you prepared to consider committing funding, bridge funding, for ERT until such time as a long-term solution is found? I ask you to respond to the family in the gallery.

**Hon. Mr. Smitherman:** I will respond, as is appropriate, in a fashion recognizing that this is one of the more difficult circumstances that can be encountered by a family, of course, and by the challenges that it presents for a public health care system. This is an enzyme replacement product. I believe its cost—I'm working from memory here—is \$1 million per year per patient. The case is obviously an individual case that we have to treat as such.

I've worked vigorously and invested considerable energy, as has the government of Ontario, in working with the government of Canada with respect to coverage for Fabry patients. That's well known, and progress is rather close on that one, notwithstanding the fact that it has taken us a long period of time. We'll work through this on a case-by-case basis. I'm in no position today to be able to say that we can expand that coverage, but the evidence is there about the efforts that our government took and the time that I personally contributed to the resolution of the challenge with respect to Fabry. Of course, this is the same energy that we're going to bring to the circumstances for this matter.

#### SPECIAL-NEEDS STUDENTS

**Mr. Rosario Marchese (Trinity-Spadina):** I have a question to the Minister of Education. Minister, last week in the estimates committee, I asked you to produce a report on special education prepared by your parliamentary assistant, and you refused to share it with us. In

fact, you refused to show it to anyone, including your fellow ministers and the members of the working group who are supposedly drafting it. Can you tell us when you will share that report with us, and especially with the minister for children, who is unaware of the report?

**Hon. Sandra Pupatello (Minister of Education, minister responsible for women's issues):** Thanks so much for this question. As I mentioned at committee last week on this question, what I said was that in the previous week, the task force on special education had just had their meeting while they were reviewing the draft of their report. Their report is going through its final writing. It will then be presented to me as a final report. I do not yet have the final report from this task force. I did say that they did just meet last week. I appreciate that the member opposite is anxious to see it. I am as well. I will tell you that I have been able to read one of their earlier drafts as I was just coming in as the new minister this month. However, they have not finalized their report and, as I mentioned at committee, I think I would be happy to share it with you, as I would all those who are interested in public education for those with special needs.

**Mr. Marchese:** Kids with special needs can't wait. One in five Ontario children has a mental health problem. People for Education reminded us today that there are over 40,000 elementary students who need special education support and are not getting it. Families with autistic children are spending up to \$60,000 of their own money because your government broke its promise to pay for the treatment.

The McGuinty government keeps promising integrated delivery, but all parents see is that things are worse for their kids and that ministers don't have any idea what they're doing. When are you going to produce some action plan, any action plan, that is going to help students with special needs?

1510

**Hon. Ms. Pupatello:** I'm very glad that this member mentioned this, because I believe he was at the press conference that was held by Annie Kidder and People for Education. You missed a couple of things that she also announced today. She began her press conference by saying, "The crisis in education is over." That is something I'd like to repeat often and loudly. I would love to say that again. I thank her for tabling a report today, because what she said specifically was that in 2006 class sizes are smaller. She said there are more special education teachers, more elementary teachers; more elementary students have access to phys. ed; there are more support staff in secondary schools—all as a result of increased funding in education.

Now, I appreciate that you don't like hearing this kind of news, and unfortunately, I can't even take credit for all of that tremendous work that's been done in education. That is thanks to my previous colleague in this position. But I will say—

**The Speaker (Hon. Michael A. Brown):** Thank you, Minister. The member for Northumberland.



## EMPLOYMENT STANDARDS

**Mr. Lou Rinaldi (Northumberland):** My question is to the Minister of Labour. Minister, this morning we held a special session of this Legislature. Three private members' bills were debated. One of these bills involved the Ministry of Labour. What makes these bills special is the fact that they were all inspired by Ontario students. As part of the CBC Making the Grade project, students from across the province were asked to come up with ideas for private members' business. They were required to research issues, debate ideas and learn about how legislation is passed. CBC News received over 100 suggestions, three of which were debated this morning. The success of this project proves that young people are interested in the political process.

Minister, while we cannot speculate on the fate of any bill, I was pleased to learn that your ministry has already taken action to address some of the students' concerns. Please explain to this House what changes you have just announced to the—

**The Speaker (Hon. Michael A. Brown):** The question has been asked. Minister.

**Hon. Steve Peters (Minister of Labour):** I want to thank my colleague for highlighting the Making the Grade project, and I want to thank and congratulate all those students who took part in this great initiative.

We do have a number of good resources in place within the ministry right now. We have an employment standards poster that is posted. We have the Occupational Health and Safety Act. But I think what we recognize today is that these students raised issues that made it very clear to us that we weren't reaching their demographic age group. I'm pleased to tell this House that because of the student involvement, I've directed the ministry to ensure that the Employment Standards Act now contains a section for young workers. The reference would direct young workers to a new Internet portal. In addition, I've directed the ministry to update its website to include a link for new young workers to the Internet portal. The revised poster and Internet portal were unveiled to—

**The Speaker:** Thank you. Supplementary.

**Mr. Rinaldi:** Thank you, Minister. I know how important it is to the Ministry of Labour to spread its message of workplace rights and workplace safety, and I know that you hold a particular interest in the well-being of young and new workers. The changes you have described prove that young people can make a difference and influence decision-making.

On the subject of sharing information, I know that the Ministry of Labour is a leader in its efforts to ensure that its message is heard. Many of my constituents have commented on the diversity of languages in which they can access critical information. For many Ontarians, English or French is not a first language.

[Remarks in Italian.]

For those who don't speak Italian, I just said that it's equally important that everybody understands their rights in the workplace. As you can see, it's difficult and confusing when you can't understand what is being said.

I know my constituents appreciate having access to important resources and to this message. Minister—

**The Speaker:** The question has been asked. Minister.

**Hon. Mr. Peters:** To my colleague from Northumberland, grazie per la domanda. I want to thank him for that. Sadly, I'm not as fluent in other languages as some of my colleagues. Sometimes I have enough challenge with English. But we do recognize the cultural diversity of this province. Right now, not only do we print our employment standards in French and English, but we also print that information in 19 different languages. We recognize that these languages represent an individual thread in our amazing cultural heritage and tapestry in this province.

For example, multilingual employment standards brochures from the Ministry of Labour that are available are Your Rights at Work: Employment Standards Act, which I discussed earlier; Claim Your Rights, a step-by-step guide to filing claims; and Information for Employees. As well, I've shared information with all members in this House.

I heard some comments today that we're not doing enough. We sent the information out nine months ago—

**The Speaker:** Thank you, Minister. New question.

## RENEWABLE FUELS

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** My question is to the Premier. In 2005, you announced a \$520-million ethanol growth fund toward capital projects that would increase the number of ethanol production plants in Ontario. You stated, "This fund will improve the air we breathe by encouraging ... the growing demand for cleaner-burning fuels." The application closed on November 10, 2005.

My question is, when will you be announcing that the successful applicants of the ethanol growth fund have received their funding, so that the companies can begin to build the facilities that will reduce greenhouse gas emissions for the people of Ontario?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the Minister of Agriculture.

**Hon. Leona Dombrowsky (Minister of Agriculture, Food and Rural Affairs):** I'm happy to have the opportunity to talk about an initiative which I believe demonstrates that our government is committed to supporting the agricultural industry as well as cleaning up our environment.

We did establish an ethanol growth fund and invited participation in the fund. We have contacted those people who could be successful applicants, and indicated to them that we would like to understand from them their business plan and whether they would like to take us up on that. Within the weeks ahead, we will be receiving their confirmations as to whether they will be participating in the fund or not.

We see this as good news for the people of Ontario, and certainly a commitment of this government to a cleaner environment and to support of the agricultural industry in Ontario.



**Ms. Scott:** Ethanol production facilities are not built overnight; it would take at least a year. That would put it into May 2007, at the earliest, that we'd be having the ribbon-cutting and the photo op.

Premier, you are banking on the recipients of the ethanol growth fund to meet your target of 5% ethanol content in fuel by January 2007, so you need to get this promised funding flowing to these companies today. We know that if hot air could reduce greenhouse gases, you would breathe easier on that side of the House for sure. You're spending a great deal of time—

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Stop the clock. Order. Order, member for Ottawa Centre.

The member for Haliburton—Victoria—Brock.

**Ms. Scott:** Everyone take a deep breath.

Having spent all your time congratulating each other on your incredible contribution to the environment, you hoped that no one would notice you haven't delivered yet again. So I ask you, is the ethanol growth fund just another Liberal broken promise?

**Hon. Mrs. Dombrowsky:** I'm very happy that the honourable member has asked the question today. I'm disappointed with the tone, because I think it's an important issue.

I think it's important to educate the honourable member, with respect to the corn market in North America, particularly in Ontario, that a countervail action was launched. It was only a few weeks ago that it was determined that there was no injury to the corn industry, and until that decision had been made by the CITT, which is the Canadian International Trade Tribunal, it put into question, for those folks who had proposals in to the ethanol growth fund, if their proposals were going to be viable. So they asked us if we could wait upon the decision of the CITT, which we have done. As a result of that, we are now awaiting their final determination around the offers we have made to them from the ethanol growth fund.

Finally, I would simply like to say that this commitment that we have made to agriculture and the environment is so good that Stephen Harper copied it in his campaign.

**The Speaker:** New question?

*Interjections.*

**The Speaker:** Order. Stop the clock. I can wait. I seem to be doing a lot of waiting. The leader of the third party.

1520

#### PUBLIC TRANSPORTATION VEHICLES

**Mr. Howard Hampton (Kenora—Rainy River):** My question is for the Premier. Contrary to the long-standing policy of Ontario governments, the McGuinty government is allowing the city of Ottawa to have its transit cars built in the United States rather than at Bombardier's Thunder Bay factory. This transit contract is worth over half a billion dollars and hundreds of long-term jobs.

Premier, it is the usual practice with very big transit contracts like this for the purchaser to ask the contract bidders for a best and final offer round of bidding to ensure that the lowest price and the best deal are possible for taxpayers. Normally, one of the bidders will shave \$30 million or \$40 million off their initial bid. My question: Has the McGuinty government insisted on a best and final offer round of bidding from the city of Ottawa transit contract?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** Minister of Public Infrastructure Renewal.

**Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader):** I know that the member would want to be accurate in his portrayal of the question to this Legislature. Municipal governments have never been a part of the memorandum of understanding, which was signed by previous governments, which has long since lapsed. The member well knows that.

Now, of course we as a government make no apologies for encouraging not only the provincial government but our municipal partners to purchase and use Ontario suppliers. We think that is an important statement of fact. But I want to be very clear with this member, and very clear with the people of Ontario, that this was a procurement of the city of Ottawa. It was done in a fair, open and transparent way. The provincial and federal governments are partners only to the financing, and in fact it has adhered to the proper procurement process that all Ontarians would expect.

**Mr. Hampton:** I asked the Premier because not only is the McGuinty government allowing this half-billion-dollar contract to go to the United States and hundreds of goods jobs with it, but the McGuinty government is actually going to contribute \$200 million to this made-in-USA scheme.

Premier, your constituency is in Ottawa. Your Minister of Community and Social Services' constituency is in Ottawa. Your Minister of Health Promotion's constituency is in Ottawa; in fact, he's a former mayor of Ottawa. The now mayor of Ottawa is a former Liberal MPP. It's very clear that all the powers that be in the city of Ottawa are Liberals.

My question is this: Have you told your Liberal friends in the city of Ottawa that these transit trains should be built in Thunder Bay, Ontario, and have you insisted with your Liberal friends in Ottawa that there be a best and final offer process?

**Hon. Mr. Caplan:** It is passing strange and somewhat ironic. This member sits at a cabinet table, sells the rolling stock of GO, sells it to a consortium in the Caribbean, and now stands in his place in this Legislature trying to excoriate the government for living up to the proper procurement procedure and the long-standing policy that has existed in the province of Ontario. It is an enormous leap for this member to try to suggest that something untoward is going on here.

The government has, of course, encouraged our municipal partners to source a product in the province of



Ontario. But members of this province, citizens of this province, would fully expect a fair, full, transparent and open procurement process for trains, and that in fact is what the city of Ottawa has done in its procurement for the O-Train. This is the first time that a provincial government has supported light-rail expansion in eastern Ontario. It's a great—

**The Speaker (Hon. Michael A. Brown):** Thank you. New question.

## EDUCATION

**Mr. Brad Duguid (Scarborough Centre):** My question is to the Minister of Education. As the school year begins to wind down, students, teachers and parents are beginning to experience the incredible progress made by the McGuinty government in improving and strengthening the quality of our education system, from junior kindergarten right through to post-secondary education.

I understand that today a group called People for Education has released their annual report on the state of education in Ontario. I understand from a previous question earlier on that the leader of People for Education, Annie Kidder, said that the crisis in public education is over.

My question to the minister: In this report, it states that there's a lot of good news that has taken place in our education system, but we still have some more work to do. My question to the minister is, what is some of that work that we have left to do, and what progress is she making—

**The Speaker (Hon. Michael A. Brown):** Thank you. The Minister of Education.

**Hon. Sandra Pupatello (Minister of Education, minister responsible for women's issues):** I appreciate this member in particular and his serious interest in education. He takes that home to his riding in Scarborough all the time.

I am again pleased to say that I was heartened to hear and to receive the report that Annie Kidder and her group, People for Education, put out. Let me say again, if you don't mind, that I was pleased with the way she began: "The crisis in education is over." I only wish that at this point I could take more credit for that. But again, I have to say that when you have a Premier who is the education Premier, it is very hard to go in a backwards direction, because we are moving forward.

There is something else that Annie Kidder said today, and in fact her release suggested as much: "We have more work to do." That is what we say all the time. We know we have more work to do, but these are critical areas that we are working on: lowering primary class size, getting that dropout rate down for those graduating in—

**The Speaker:** Thank you. Supplementary.

**Mr. Duguid:** I think the minister is quite right: When a government is led by a Premier who believes to his inner core in the value of education, great progress can really be made, and that's certainly what's being done

here in the province of Ontario today. It is so important that progress is made in education to ensure that we do reach our goal of having the best and most skilled workforce in the world. That's something that I think is going to benefit all Ontarians and benefit our economy well into the future.

My question to the minister is this: What else are we doing to give all students in Ontario the education advantage?

**Hon. Ms. Pupatello:** I'm very pleased that he would reference our student success programming through our high schools: \$1.9 billion being poured into our high schools so that we can improve those student-teacher ratios, with very specialized attention to see that we are working with every student to see that they graduate. When we took over this portfolio as government, we had a dropout rate in Ontario of 30%. I don't think people realize that there were literally 30% of all of our students in fact not graduating from high school. We have a very determined, aggressive target, that by the year 2010 we will have an 85% graduation rate. That will take very much work on our part. We understand we have more work to do. We applaud the efforts of our teachers, our support workers throughout our system. We applaud them, and we will be there as their partners for the success of students in our system.

1530

## VISITORS

**Mr. Cameron Jackson (Burlington):** On a point of order, Mr. Speaker: I hope all members of the House will join me in welcoming my third daughter, Michelle Jackson, and her best friend, Michelle Miller, who are job-shadowing their dad today. We're about to go in and do estimates in French, and they're both bilingual, so it's going to be a wonderful experience. Michelle Jackson and Michelle Miller, stand up.

**Mr. Ernie Hardeman (Oxford):** On a point of order, Mr. Speaker: I've noticed that we've had a lot of debate concerning Community Living Day here at Queen's Park. I just wanted the Legislature to recognize Marty Graf and the largest contingent of Community Living here today, from Tillsonburg in my riding.

**Mr. Ted Arnott (Waterloo-Wellington):** On a point of order, Mr. Speaker: I wish to introduce to the House Don Ainley and Gerrie Ainley, who are here in the member's gallery. They're the grandparents of Connor Maitland, one of our pages.

## PETITIONS

### LANDFILL

**Mr. Norman W. Sterling (Lanark-Carleton):** Mr. Speaker, I'm sure you recognized me first because of the enormous number of petitions I have here with me. Some 8,500 people have signed this petition.



"To the Legislative Assembly of Ontario:

"Whereas there is currently a proposal to more than double the size of the Carp landfill in west Ottawa; and

"Whereas this site has been in operation for some 30 years and had been expected to close in 2010; and

"Whereas the surrounding community has grown rapidly for the past 10 years and is continuing to grow; and

"Whereas other options to an expanded landfill have yet to be considered; and

"Whereas the municipal councillors representing this area, Eli El-Chantiry, Janet Stavinga, Peggy Feltmate, and the MPP Norm Sterling"—and Lisa MacLeod—"all oppose this expansion;

"We, the undersigned, support our local representatives and petition the Legislative Assembly of Ontario to ensure the Minister of the Environment does not approve the expansion of the Carp landfill and instead to find other waste management alternatives," as I would have as a Minister of the Environment.

Here are 8,500—

**The Speaker (Hon. Michael A. Brown):** Thank you.

#### EMPLOYMENT STANDARDS

**Ms. Andrea Horwath (Hamilton East):** I'm pleased to present a petition from Ontarians in support of Bill 95, the Making the Grade bill in regard to posters informing students of their employment rights. I see Majd El-Samrout is still here from Ottawa from Lisgar Collegiate. It was Majd's idea to bring this bill forward. The petition reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas there seems to be a rising issue amongst teenage workers in that they are unaware of their employment rights in the workplace, employers today are not fulfilling their obligation to inform their employees of their rights;

"Therefore, we ask that the government of Ontario create legislation that will make it mandatory for every business in Ontario to post employee rights in a visible place in the workplace;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"It is made mandatory for every business in Ontario to post employee rights and health and safety regulations in a visible place in the workplace. This poster must be written in language that can be understood both by teenagers and adults. Businesses that do not comply with this will be penalized by the government of Ontario."

I agree with this petition, affix my signature and send it to the Clerk's table by way of Monika.

#### IDENTITY THEFT

**Mr. Tony Ruprecht (Davenport):** I keep receiving petitions from the Consumer Federation Canada, and the petition reads as follows:

"To the Parliament of Ontario and the Minister of Government Services:

"Whereas identity theft is the fastest-growing crime in North America;

"Whereas confidential and private information is being stolen on a regular basis, affecting literally thousands of people;

"Whereas the cost of this crime exceeds billions of dollars;

"Whereas countless hours are wasted to restore one's good credit rating; ...

"Whereas we, the undersigned, demand that Bill 38, which passed the second reading unanimously in the Ontario Legislature on December 8, 2005, be brought before committee and that the following issues be included for consideration and debate:

"(1) All consumer reports should be provided in a truncated (masked-out) form, protecting our vital private information such as SIN and credit card numbers.

"(2) Should a credit bureau discover that there has been a breach of consumer information, the agency should immediately inform the victimized consumer.

"(3) Credit bureaus should only report inquiries resulting out of actual applications for credit and for no other reasons.

"(4) Credit bureaus should investigate any complaints within 30 days and correct or automatically delete any information found unconfirmed or inaccurate."

Since I agree, I am delighted to sign this petition.

#### CAFETERIA FOOD GUIDELINES

**Mr. Frank Klees (Oak Ridges):** As you are well aware, Nupur Dogra's private member's bill under the Making the Grade program was passed this morning by this House. I have a petition in support of that bill. It reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas childhood obesity rates have tripled over the past two decades in Canada; and

"Whereas the annual amount of money the health care system uses to mend preventable obesity-related illnesses is \$1.6 billion; and

"Whereas the Ontario food premises regulation only provides safety policies that must be followed by the Ontario school boards' cafeterias, but no defined regulations regarding the nutrition standard of the food being served at the cafeterias; and

"Whereas there is a need to encourage nutritious standards in high school cafeterias that support Canada's Guidelines for Healthy Eating; and

"Whereas the private member's bill proposed by Nupur Dogra under Making the Grade and her fellow students at Iroquois Ridge High School will require all Ontario school boards' cafeterias to adopt and abide [by] healthier eating standards (similar to Canada's Guidelines for Healthy Eating) that will govern the food choices;



"We, the undersigned, petition the Legislative Assembly of Ontario to pass the private member's bill that will amend the Ontario school boards' cafeteria food guidelines to follow healthier food standards in all Ontario high school cafeterias."

As the sponsor of that bill, I am willing to put my signature to this petition and hand it to page Isaac for delivery to the table.

#### AUTISM SERVICES

**Ms. Shelley Martel (Nickel Belt):** I have a petition that has been sent to me by Andrew Kavchak of Ottawa, and I appreciate that. It reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas the incidence of autism spectrum disorders has dramatically increased in recent years and Ontario's schools lack the required resources to accommodate this growing number of pupils; and

"Whereas children with ASDs are capable of academic success when they have appropriate support; and

"Whereas under the Education Act of Ontario, children with ASDs are legally entitled to receive appropriate special education programs and services; and

"Whereas many ASD pupils are denied their education rights and are suffering academically, socially and emotionally because of a lack of resources available to assist them with their disability-related needs; and

"Whereas the resources required to accommodate ASD pupils may include (but are not limited to) educational assessments; educational assistants; specialized personnel such as behavioural therapists, speech and language pathologists, and occupational therapists; specialized programs and curriculum (including social skills and life skills); transitional programs; and assistive technology;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"(1) Increase funding for special education, and ensure that this funding reaches ASD pupils to meet their disability-related learning needs;

"(2) Develop educational best practices and pilot projects for educating children with ASDs so that every student with ASD across Ontario has access to the best possible programs and services."

I agree with the petitioners, and I have affixed my signature to this.

#### CHILD CARE

**Mr. Kuldip Kular (Bramalea-Gore-Malton-Springdale):** This petition is to the Legislative Assembly of Ontario.

"Whereas the people of Ontario expect the government of Canada to honour existing agreements with the government of Ontario;

"Whereas provinces and territories negotiated agreements with the federal government to ensure Canadians

would have access to early learning and child care programs that are high-quality, affordable, universally inclusive and developmental;

"Whereas parents in Ontario have demonstrated a high demand for greater access to high-quality early learning and child care programs;

"Whereas Ontario's early learning and child care agreement with the government of Canada would provide Ontario families with at least 25,000 new high-quality, regulated child care spaces in the first three years;

"Whereas Ontario's early learning and child care agreement represents a \$1.9-billion investment over five years in high-quality early learning and child care;

"We, the undersigned, petition the Legislative Assembly of Ontario to support the government of Ontario in calling on the government of Canada to honour Ontario's early learning and child care agreement, for the sake of the thousands of Ontario families who would benefit from it."

I support this petition, and I affix my signature on it as well.

1540

#### LONG-TERM CARE

**Mr. Jerry J. Ouellette (Oshawa):** I have a petition to the Legislative Assembly of Ontario.

"To the Legislative Assembly of Ontario:

"Whereas long-term-care funding levels are too low to enable homes to provide the care and services our aging seniors and parents who are residents of long-term-care homes need, with the respect and dignity that they deserve; and

"Whereas, even with recent funding increases and a dedicated staff who do more than their best, there is still not enough time available to provide the care residents need. For example, 10 minutes, and sometimes less, is simply not enough time to assist a resident to get up, dressed, to the bathroom and then to the dining room for breakfast; and

"Whereas those unacceptable care and service levels are now at risk of declining;

"We, the undersigned, who are members of family councils, residents' councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007)."

I affix my signature.

#### GASOLINE PRICES

**Ms. Shelley Martel (Nickel Belt):** I have a petition that's been signed by constituents in my riding. It reads as follows:

"To the Legislative Assembly of Ontario:



"Whereas the average price of gasoline has skyrocketed to over \$1 a litre, the highest price at the pumps in Ontario history;

"Whereas high gas prices are causing great hardship for ordinary motorists, small business owners and industry;

"Whereas the McGuinty Liberals promised to take action to keep gas prices low;

"Whereas the McGuinty Liberals have broken that promise and have done nothing to help ordinary families getting hosed at the pumps;

"We, the undersigned, petition the Ontario government to immediately pass Bill 91, the Keep Your Promises at the Pump Act, 2006, which would make the McGuinty Liberals keep their promise to freeze gas prices for 90 days."

I agree with the petitioners. I've affixed my signature to this.

#### LONG-TERM CARE

**Mrs. Carol Mitchell (Huron-Bruce):** "To the Legislative Assembly of Ontario:

"Whereas long-term-care funding levels are too low to enable homes to provide the care and services our aging seniors and parents who are residents of long-term-care homes need, with the respect and dignity that they deserve; and

"Whereas, even with recent funding increases and a dedicated staff who do more than their best, there is still not enough time available to provide the care residents need. For example, 10 minutes, and sometimes less, is simply not enough time to assist a resident to get up, dressed, to the bathroom and then to the dining room for breakfast; and

"Whereas those unacceptable care and service levels are now at risk of declining;

"We, the undersigned, who are members of family councils, residents' councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007)."

#### SERVICES FOR THE DEVELOPMENTALLY DISABLED

**Mr. John O'Toole (Durham):** "To the Legislative Assembly of Ontario:

"Whereas, without appropriate support, people who have an intellectual disability are often unable to participate effectively in community life and are deprived of the benefits of society enjoyed by other citizens; and

"Whereas quality supports are dependent on the ability to attract and retain qualified workers; and

"Whereas the salaries of workers who provide community-based supports and services are up to 25%

less than salaries paid to those doing the same work in government-operated services and other sectors;

"We, the undersigned, petition the Legislative Assembly of Ontario to address, as a priority, funding to community agencies in the developmental services sector to address critical underfunding of staff salaries and ensure that people who have an intellectual disability continue to receive the quality supports and services that they require in order to live meaningful lives within their community."

It's Community Living Day in the Legislature, and I'm pleased to sign and endorse and present it on their behalf.

#### BORDER SECURITY

**Mr. Tony Ruprecht (Davenport):** I have a petition addressed to the assembly of Ontario. It reads as follows:

"Whereas the United States government, through the western hemisphere travel initiative, is proposing that American citizens require a passport or single-purpose travel card to travel back and forth across the Canadian border; and

"Whereas a passport or single-purpose travel card would be an added expense, and the inconvenience of having to apply for and carry a new document would be a barrier to many visitors; and

"Whereas this will mean the loss of up to 3.5 million US visitors in Ontario, losses of \$700 million, and the loss of 7,000 jobs in the Ontario tourism industry by the end of 2008; and

"Whereas many of the northern border states in the United States have expressed similar concerns regarding the substantial economic impact of the implementation of this plan; and

"Whereas the safe and efficient movement of people across the border is vital to the economies of both of our countries;

"Therefore, be it resolved that we, the undersigned, respectfully petition the Legislative Assembly of Ontario to support the establishment of a bi-national group to consider alternatives to the proposed border requirements and inform Prime Minister Harper that his decision not to pursue this issue with the United States is ill-advised."

I agree and I'm delighted to sign my name to it.

#### ORDERS OF THE DAY

##### TRANSPARENT DRUG SYSTEM FOR PATIENTS ACT, 2006

##### LOI DE 2006 SUR UN RÉGIME DE MÉDICAMENTS TRANSPARENT POUR LES PATIENTS

Resuming the debate adjourned on April 27, 2006, on the motion for second reading of Bill 102, An Act to amend the Drug Interchangeability and Dispensing Fee



Act and the Ontario Drug Benefit Act / Projet de loi 102, Loi modifiant la Loi sur l'interchangeabilité des médicaments et les honoraires de préparation et la Loi sur le régime de médicaments de l'Ontario.

**The Speaker (Hon. Michael A. Brown):** Pursuant to the order of the House, dated May 9, 2006, I am now required to put the question. On April 20, Mr. Smitherman moved second reading of Bill 102, An Act to amend the Drug Interchangeability and Dispensing Fee Act and the Ontario Drug Benefit Act. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. This will a 10-minute bell.

*The division bells rang from 1547 to 1557.*

**The Speaker:** All those in favour will please rise one at a time and be recognized by the Clerk.

#### Ayes

Arthurs, Wayne	Fonseca, Peter	Peters, Steve
Balkissoon, Bas	Gerretsen, John	Peterson, Tim
Bartolucci, Rick	Gravelle, Michael	Phillips, Gerry
Berardinetti, Lorenzo	Hoy, Pat	Pupatello, Sandra
Bradley, James J.	Jeffrey, Linda	Qadri, Shafiq
Brownell, Jim	Kular, Kuldip	Ramal, Khalil
Bryant, Michael	Leal, Jeff	Ramsay, David
Cansfield, Donna H.	Levac, Dave	Rinaldi, Lou
Caplan, David	Marsales, Judy	Ruprecht, Tony
Colle, Mike	Mauro, Bill	Sandals, Liz
Cordiano, Joseph	McMeekin, Ted	Sergio, Mario
Delaney, Bob	McNeely, Phil	Smith, Monique
Dhillon, Vic	Meilleur, Madeleine	Smitherman, George
Di Cocco, Caroline	Mitchell, Carol	Van Bommel, Maria
Dombrowsky, Leona	Mossop, Jennifer F.	Wilkinson, John
Duguid, Brad	Oraziotti, David	Wong, Tony C.
Duncan, Dwight	Parsons, Ernie	Wynne, Kathleen O.
Flynn, Kevin Daniel	Patten, Richard	Zimmer, David

**The Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

#### Nays

Amott, Ted	Klees, Frank	O'Toole, John
Bisson, Gilles	Kormos, Peter	Ouellette, Jerry J.
Chudleigh, Ted	MacLeod, Lisa	Prue, Michael
Elliott, Christine	Marchese, Rosario	Runciman, Robert W.
Hardeman, Ernie	Martel, Shelley	Scott, Laurie
Horwath, Andrea	Martiniuk, Gerry	Tory, John
Hudak, Tim	Miller, Norm	Wilson, Jim
Jackson, Cameron	Munro, Julia	Witmer, Elizabeth

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 54; the nays are 24.

**The Speaker:** I declare the motion carried. Pursuant to the order of the House dated May 9, this bill will be ordered to the standing committee on social policy.

### BUDGET MEASURES ACT, 2006 LOI DE 2006 SUR LES MESURES BUDGÉTAIRES

Mr. Duncan moved third reading of the following bill:  
Bill 81, An Act to implement 2006 Budget measures and to enact, amend or repeal various Acts / Projet de loi

81, Loi mettant en oeuvre certaines mesures énoncées dans le Budget de 2006 et édictant, modifiant ou abrogeant diverses lois.

**Hon. Dwight Duncan (Minister of Finance, Chair of the Management Board of Cabinet):** I'm honoured to rise today and speak once more about the Budget Measures Act, 2006. I will be sharing my time with the member for Pickering-Ajax-Uxbridge, my parliamentary assistant.

In my earlier remarks to the honourable members of this House, I outlined some of the highlights of our recent budget, including Move Ontario, our government's \$1.2-billion investment in Ontario's public transit systems and municipal roads and bridges. I also touched on what this bill would do to support economic growth in Ontario by including measures to strengthen and promote Ontario as an innovative economy. Today I'd like to take this time to reiterate some of the highlights of this important piece of legislation to gain your support for a bill that would help us build opportunity for our great province and for everyone who calls it home.

When we came to office in 2003, we inherited a health care deficit, an education deficit, a skills deficit and an infrastructure deficit, as well as a fiscal deficit. In the last two and a half years, we have set about addressing each of these challenges in a planned and deliberate way. In our first budget, in May 2004, we laid out for debate and consideration our government's four-year plan for the province. In our 2005 budget, we continued moving forward with this plan, making a historic \$6.2-billion cumulative investment in post-secondary education by 2009-10 to improve access, quality and accountability. Our 2006 budget is the next part of our plan to invest in health and education, to restore the province's finances and to position Ontario for growth today and tomorrow.

I ask for your support for Bill 81 in order for us to put our plans for Ontario into action. We are investing in people and in the things that matter most to them. We are investing in roads, bridges and transit to help keep people and goods moving. We are strengthening Ontario's economic advantage by creating a climate for job creation now and in the future. Our plan is balanced and responsible, our plan puts people first and our plan is working.

In 2005 the Ontario economy outperformed average private sector and government projections, resulting in unexpected additional revenue. Our government has made a strategic and prudent choice to invest over 60% of this additional revenue to begin paying down Ontario's infrastructure deficit in order to support much-needed transit, road and bridge projects across Ontario.

At the same time, our government remains on track to eliminate the fiscal deficit no later than 2008-09. A balanced budget will be achieved a year earlier if the reserve is not required in 2007-08. We are optimistic about Ontario's economic growth. Despite this rosy picture, we will continue to be prudent, focused and disciplined in our approach to fiscal management. We will continue to strengthen the economy through investments in post-secondary education, infrastructure, research and



innovation, and key economic sectors, including a continued focus on education and training by government and business; better integration of new Canadians into the economy, including in high-skill, high-wage jobs; increasing research and innovation capacity; investing in infrastructure; a reliable, sustainable electricity supply; a healthy business environment; ongoing fiscal discipline; and by managing health care costs.

Bill 81, the Budget Measures Act, 2006, which includes amendments to 17 provincial statutes and proposes three new statutes, is a key piece of legislation to help us move forward with our plan for Ontario. Bill 81 includes such important measures as accelerating the capital tax rate cut, extending the tax credit rate for foreign film productions, doubling the tax rebate on the purchase of hybrid electric vehicles, granting the Minister of Natural Resources the power to make grants from our forest prosperity fund and introducing four-year terms for municipal elections.

**Mr. Tim Hudak (Erie-Lincoln):** It's the first time you've said that.

**Hon. Mr. Duncan:** Well, I thought it needed emphasis, because I support it.

I'd now like to briefly touch on these points. A key element of the government's strategy for strengthening the Ontario economy is maintaining a competitive tax and business environment to encourage investment growth. Your support for Bill 81 is an important step in supporting a strong and dynamic Ontario economy.

In 2004, we announced a plan to eliminate Ontario's capital tax by 2012. The 2006 budget proposes to accelerate the capital tax rate cut. Effective January 1, 2007, the current rate would be cut by 5%, a full two years earlier than the first currently scheduled rate cut. Further, we intend to fully eliminate the tax in 2010, a full two years earlier than planned, should the fiscal position of the province allow.

By proposing to accelerate the capital tax rate cut, we are further enhancing Ontario's competitive tax system. This is a key element in our strategy to promote new investment, economic growth and job creation. Let me reassure members of this House that we are promoting economic growth and that we do have a plan to see our economy thrive and prosper.

Last week, we received new job creation numbers for the month of April, and I'm happy to report that the people of Ontario created 23,800 net new jobs last month. Since we've come to office, almost 254,000 new jobs have been created, with eight out of 10 of them being full-time employment. In March, more jobs were created in Ontario than in any other province. We are seeing job creation, growth and strong investment. Don't take my word for it; here's what Doug Porter, deputy chief economist at BMO Nesbitt Burns, had to say just a few days ago: "Ontario's job creation performance in the last two months has been nothing short of astounding." He's right. The province's economy is flourishing, and this government is creating a climate where we can continue to see further gains.

Another one of the many success stories of Ontario's diverse economy is the entertainment and creative cluster. To support Ontario's film and television industry, Bill 81 would also amend the Corporations Tax Act to extend the enhanced 18% rate for the Ontario production services tax credit for another year, from April 1, 2006, to March 31, 2007. I spoke about this initiative during second reading debate, but I'd like to remind members how important this is and why they should support this bill for measures such as this.

The Ontario production services tax credit is a refundable tax credit available to qualifying corporations for qualifying Ontario labour expenditures in respect of eligible film and television productions. The extension of the 8% tax credit rate for another year reflects our commitment to support Ontario's film and television industry, foster growth and job creation, and help maintain competitiveness in the entertainment and creative cluster. I would hope that members of the opposition will vote in favour of Bill 81 in support of this measure and in support of Ontario's film and television industry.

**1610**

Our government is also committed to further encouraging energy conservation in Ontario. Hybrid vehicles help conserve energy, as they are more fuel efficient than comparable traditional models. Hybrids also provide a positive environmental benefit by reducing greenhouse gas emissions. Bill 81 includes an example of our government's interest in supporting sound and healthier choices in an amendment to the Retail Sales Tax Act. To encourage those consumers who choose vehicles with a less harmful impact on the environment and on the air we breathe, we propose to increase the amount of the maximum retail sales tax rebate for qualifying hybrid electric vehicles to \$2,000. This would apply for vehicles delivered to the purchaser after March 23, 2006, and purchased before April 1, 2012. Every step towards improving Ontario's air quality is a step towards improving the health of Ontarians.

I'd like to move on to another section of the bill which I hope members will support. I know that my parliamentary assistant will be elaborating on this shortly in his remarks, but I wanted to take a moment to address the measures in Bill 81 that will give due respect to municipalities across the province. I'm referring to amendments that are being proposed to the Municipal Elections Act. If passed, these amendments would extend the term of office for municipal councils and school boards from three year to four years, commencing from this year's election. As the Premier and Minister of Municipal Affairs have said in this House on several occasions, establishing a four-year term for local government representatives in Ontario is something the Association of Municipalities of Ontario has asked for. It's a matter of respect for our municipalities.

In wrapping up my remarks, I'd just like to say how proud I am of the steps our government has taken to invest in health and education, restore our province's finances and position Ontario for growth today and tomorrow.



When we took office, we inherited deficits in health care, education and infrastructure. Each of our budgets has made important investments in each of these three areas to benefit all Ontarians. To ensure that we can provide opportunity to all Ontarians through the measures introduced in our 2006 budget, I urge all members to support Bill 81.

**The Acting Speaker (Mr. Bob Delaney):** Questions and comments? The member for Pickering-Ajax-Uxbridge—

**Interjection:** Shared time, Speaker.

**The Acting Speaker:** Shared time? All right. Further debate.

**Mr. Peter Kormos (Niagara Centre):** Whoa, whoa. Is shared time for further debate or questions and comments?

**The Acting Speaker:** What are we sharing, time? Further debate.

**Mr. Kormos:** On a point of order, Mr. Speaker: Are there questions and comments available to parties in a time-allocated debate like this?

**The Acting Speaker:** Not in this debate.

The member for Pickering-Ajax-Uxbridge.

**Mr. Wayne Arthurs (Pickering-Ajax-Uxbridge):** I'm very pleased to follow the minister, Mr. Duncan, in the third reading of our bill, the House bill in respect to the 2006-07 budget. It really is quite a pleasure to be able to follow on some of his comments and provide just a little more detail in respect to some of the matters.

I want to draw back, though, to the process by which these bills come to this stage. As a matter of fact, it was in the latter part of last year that the minister began his series of consultations in the preparatory work in the development of, first, a budget itself and then obviously, subsequently, the budget bill. I recall as early as December 12 last year, the minister was in my riding of Pickering-Ajax-Uxbridge doing one of those consultations, and it wasn't very long after that, in the middle of December last year, that the standing committee on finance and economic affairs first met to begin its formal deliberations and consultations as part of this Legislative Assembly in preparation for submitting the ideas of the people of the province of Ontario through the standing committee to the minister to assist him in developing the budget. So it has been some five months at the very least that this process has been ongoing. During that time frame, the Premier, at ROMA during the early winter, made representation on a matter that's in this budget bill, which includes the extension of municipal electoral terms from three to four years.

This has been a long process, an elaborate process, one with a lot of public consultation and political debate to get to the point we're at.

I'm very pleased with this particular budget, having recently sat through the second reading public hearing on this matter. There was only one matter that the public had expressed an interest in, and that was the matter of four-year terms. I take that to mean a couple of things. I take it to mean that it's an important matter to those who were

there, but equally I take it to mean that for the vast majority of people in Ontario this budget has been very well received. There have been accolades on many fronts in regard to the budget content, and certainly we didn't see people after second reading coming to budget hearings to speak about things they might have liked to see in the budget. There was a high degree of consensus around this particular budget.

We came into power some two and a half years ago. At that point in time we inherited not only a fiscal deficit but also a health care deficit, an education and skills deficit—

**Mr. Kormos:** On a point of order, Mr. Speaker: I don't know, is there a quorum present?

**The Acting Speaker:** Is there a quorum?

**The Clerk-at-the-Table (Mr. Todd Decker):** A quorum is not present, Speaker.

**The Acting Speaker:** Call in the members.

*The Acting Speaker ordered the bells rung.*

**The Clerk-at-the-Table:** A quorum is now present.

**The Acting Speaker:** The member for Pickering-Ajax-Uxbridge.

**Mr. Arthurs:** I'm pleased to be able to continue with the time available. I don't know whether the member from Niagara Centre wants me to start over again, since he was busy counting heads and may have missed some of my preliminary comments about the extent of the consultation and the good work done by the minister and his staff, both on the minister's side and ministry staff in developing the budget and in the development of this particular budget bill.

I was just referencing that we inherited multiple deficits some two-plus years ago: a fiscal deficit, a health deficit, an education and skills deficit and an infrastructure deficit, to name a group. Methodically, during each of our budgets, we've been working our way through those on behalf of the public, the people of Ontario. We started in the first year, working our way through the health deficit. We followed that up in the second year with a strong concentration on the education deficit, including post-secondary education. More particularly in this budget, we had a strong focus on the public infrastructure deficit.

Part of our objectives is to ensure that, in this global economy we live in, we build opportunity in the province. Part of that is ensuring that we have a strong infrastructure. I can tell you that the people who live in my riding have seen the difference since we came to office some two-plus years ago, and they can certainly see it in this particular budget. I want to just provide you with a couple of examples, which include almost \$2 million for new technological education equipment at the Durham Catholic District School Board. The Durham District School Board has achieved some \$4.6 million as part of that, and Durham College also has had funding for operating cost enhancements, facilities renewal and student support. So we've focused very heavily on the education agenda.



On the health agenda, in my own riding and the neighbouring communities that are serviced by it, the Rouge Valley Health System has seen some \$400 million in new funds being provided for the people of Pickering, Ajax, Uxbridge, Whitby and east Scarborough.

The riding has also benefited from our gas tax initiatives. Some \$300,000 has gone to funding in Pickering, Ajax, Uxbridge and Scugog to support transit systems and transit support mechanisms. So it's not just my riding, but it's people throughout Ontario who have benefited from this budget and from preceding budgets over the past couple of years.

I know that the members in opposition are prone to paint a story of doom and gloom, but that's not the reality. I'm here to tell them that we're here to help, represent and, quite frankly, stand up for the people of Ontario.

1620

In this most recent budget, we announced some \$400 million in one-time funding to municipalities for roads and bridges. The vast majority of that money is going to rural and small municipalities so they can build on their infrastructure in a way that they see their needs best met. The funds are going to municipalities like the member from Erie-Lincoln's, which is receiving some \$15 million from Move Ontario, and municipalities and ridings such as Dufferin-Peel-Wellington-Grey, which is benefiting to the tune of some \$16 million in funding. Kenora-Rainy River will also be benefiting, receiving a total of over \$5 million. So the monies I'm speaking of have been democratically distributed throughout the province of Ontario to all ridings, representing all parties and all members.

We're delivering to municipalities in a great variety of ways, and I want to take a moment to speak more fully about that. I know that the Minister of Municipal Affairs would like to have been here today to speak to a particular matter, but he was unable to be here for this part of the debate.

I want to take this opportunity to reiterate what has been said on several occasions. The government is introducing an amendment to the Municipal Elections Act. If passed, it would extend the term of office for municipal councillors and school boards from three years currently to a four-year term, commencing with this fall's municipal elections. Last week, the Premier spoke to this House about how this is something that the Association of Municipalities of Ontario has been asking for. Frankly, it's also an initiative that 47 other municipalities in the province have independently requested of the government. So this is not news to this House, nor is it news that the government is recommending to this House an amendment to the Municipal Elections Act; it's a matter of respect to municipalities.

Here at the provincial level we now have four-year fixed terms, and the federal government can still run to a maximum of five years. Why should Ontario municipalities be treated that much differently, given the role

they have and the complexity of the activity they undertake on behalf of their constituents?

I think it's also a matter of some degree of efficiency. A four-year term is a better time period for a council to both generate an agenda and move forward on that agenda, and to a large extent to see that agenda implemented, and then seek the judgment of the people in their communities as to whether or not they've done an effective job on their behalf.

The reason this amendment is in Bill 81 is that it's a matter of providing certainty to our municipal partners. The Premier announced this proposed change in February at the ROMA conference. The amendment provides a certainty with respect to elections that candidates in this municipal election require. If the amendment is passed, the government wishes to provide candidates running in this fall's municipal elections ample opportunity to take into consideration their desire as to whether or not they want to seek office for a four-year term rather than the current three-year term.

As the first bill that our government had the opportunity to introduce when the Legislature resumed in March, Bill 81 provided the Legislature with the first opportunity to deliver on that particular budget commitment. As a matter of fact, for those who read the budget document itself, they would have found deliberately in there on page 147 specific reference to our intent to move forward on four-year terms. Finding it in the budget document, it should not have been a particular surprise, to those who had read the budget bill, to find that matter included in the budget bill. It would seem to me that budgets and budget bills go hand in hand; it would seem that one should mesh with the other to the extent possible.

As part of the legislative process, we've spent much time debating the overall bill in this House. It hasn't been rushed through by any stretch of anyone's imagination. This process has spanned over four months now. We've spent some eight hours on second reading debate, a further five hours of debate on the bill last Tuesday, and we spent last Thursday listening to presenters at public hearings and further debating the bill in clause-by-clause. That process continues here this afternoon with third reading debate.

Compare this to the record of the opposition, who were then in power, when they passed the Fewer Municipal Politicians Act, which was rammed through this House in less than two weeks, with no public hearings whatsoever. The act literally slashed the number of locally elected representatives to municipal governments across the province, ignoring the positions of locally elected councils.

Mr. Speaker, we are and have been listening to municipalities on a great number of fronts and delivering what they need. The Minister of Municipal Affairs and the Premier have both reiterated our commitment to municipalities, and this bill is delivering on that commitment.

But the amendment is not the only reason why we should support this bill. There are many reasons we



should vote for it tonight. I'm not going to go into all of that level of detail. I know there are others here who want to speak to the bill, other members of our caucus who would like the opportunity.

Thank you for the opportunity. I look forward to seeing the vote on the bill and hope that all members will see the wisdom of supporting the budget bill.

**The Acting Speaker:** Further debate?

**Mr. Hudak:** I thank my colleagues for their comments. I'm pleased to join the debate on Bill 81.

My colleague the parliamentary assistant had an interesting way of concluding his remarks, by talking about all the attention to detail in his remarks about Bill 81. I just wonder, if he had committed that much attention to detail, how come he missed schedule H, which was part of the bill. He wasn't the only one who suffered from that malady of missing schedule H during introduction, during second reading debate. In fact, the minister himself, the Minister of Finance, noticeably ignored schedule H. For those watching at home or reading Hansard, schedule H of course is the part of the bill that reduces the frequency of municipal and school board elections. It sort of snuck into the bill. Buried between unrelated finance measures, you find this measure to reduce the frequency—

**Mr. Kormos:** Nobody likes a sneak.

**Mr. Hudak:** Well, somebody must like sneaks, I say to my colleague, because there was a whole bunch of them when it came to this bill. Not a single member of the Liberal caucus—no minister, no MPP—had the courage to stand in this House to discuss schedule H during second reading or introduction, or they may have been told not to. Or, lastly, because it was so—it could have been the power of the whip. We can never underestimate the power of the whip, the member for Brant. But I suspect the reality was that that aspect was hidden so cleverly, so deeply inside the bill among unrelated finance measures, that I bet you most members of the government caucus didn't even know it was there until it was brought up through the media.

*Interjection.*

**Mr. Hudak:** The parliamentary assistant disagrees. Then I ask him why, as a former mayor, he had no comment on that whatsoever when he spoke on this bill before. Did you know it was in there? I got a wink. I will go on about schedule H a bit more, but I do want to note that once again, while we're having another time allocation initiative here ramming this bill through the Legislature, what is particularly ironic about this bill is that there is a change in here impacting on democratic institutions, the frequency of municipal and school board elections, that no member spoke to and that was, I guess, because it is being rammed through tonight, successfully snuck through the Legislature without adequate debate and really, really no public debate at all.

**Mr. Jeff Leal (Peterborough):** You would have been happy if they'd snuck in the Homestead Act.

**Mr. Hudak:** My colleague from Peterborough says I'd be happy if we had snuck in the Homestead Act.

Well, listen, there has been a lot of public debate on the Homestead Act.

**Mr. Kormos:** It's more relevant to a budget bill.

**Mr. Hudak:** It certainly is a lot more relevant, as my colleague from Niagara Centre says, to a budget bill.

*Interjection.*

**Mr. Hudak:** If the Homestead Act had been included as schedule H, for "Homestead"—good point. I say to my friend from Peterborough, schedule H should have been the Homestead Act, right? It starts with "H" for Homestead Act. It would certainly have been consistent with a budget bill, because it is a finance measure impacting on something for which the Ministry of Finance has responsibility; for example, the Municipal Property Assessment Corp. But no; instead, they snuck through this measure to reduce the frequency of local elections, as opposed to the Homestead Act.

1630

Let me just make some general comments; I know my colleagues also want to address this bill. Aside from the rather sneaky nature of the government's manoeuvring with respect to schedule H—

*Interjection.*

**Mr. Hudak:** The irony, my friend from Brantford; I was discussing the irony.

Dalton McGuinty actually campaigned—I know there's a lot of things he said during the campaign that he didn't really mean, and we found that out after he had won office. During the campaign, he said it would be up to the people to decide how elections would take place, and individuals would decide the democratic reform measures, if any, brought through the Legislature. But we didn't know that by saying "the people" he meant only members of his cabinet. He didn't mean average taxpayers in any part of the province, whether it's Huron-Bruce, Bruce-Grey-Owen Sound, York North, Durham, even Simcoe-Grey. You'd think he would have public hearings in Simcoe-Grey, but none took place. So it represents a broken promise.

Let me make a more general case about why I call my colleagues to reject Bill 81. Bill 81, as a budget bill, is an important piece of an overall budgetary policy that is dramatically misguided and harmful to the province of Ontario. Let's not forget that this budget saw a 9.2% increase in program spending in the province of Ontario in the last fiscal year. My goodness; that would make Bob Rae blush back when he was an NDPer.

**Mr. Kormos:** He was never an NDPer. He was a Liberal all his life; the best Liberal Premier this province ever had.

**Mr. Hudak:** Apparently revealed. It would have made David Peterson blush.

**Mr. Kormos:** Buzz, Bob and Belinda: The Liberals won the trifecta.

**Mr. Hudak:** Regardless of what Bob Rae or Belinda or David Peterson would say, I think they'd all blush at the rapid increase in spending happening in this government, which is unsustainable when the economy, on a nominal basis, is growing at less than half that rate. How



is it sustainable to increase spending by 9.2% when the growth rate is less than half of that on a nominal basis?

Secondly, this is a government that has taken in some \$17 billion in additional revenue since taking office, a significant portion of which was squeezed out of the pockets of working families in the province of Ontario or from the pocketbooks of seniors, who can barely make ends meet in Dalton McGuinty's Ontario. Despite that gluttonous attack on the pocketbooks of Ontario taxpayers, they're still running a deficit. In fact, they intentionally ran a deficit.

I think we all know the story, but it's worth repeating, since this time allocation motion severely restricts how much debate we are actually having, but I will make the point one more time. The finance ministry has some \$3 billion. Like they hid schedule H in the bill—they're not having public consultations of any note on schedule H—they also were hiding over in the vault of the finance ministry some \$3 billion in windfall revenue, and I've heard no rebuttal. The Dalton McGuinty government doctored the third-quarter financial reports to dramatically underestimate how much money they actually knew they had in their pockets. Instead of using that \$3 billion to balance the books—a deficit of \$2.4 billion was projected at that point in time—they used practically each and every penny in increased runaway spending. Some have said they're like drunken sailors, but at least drunken sailors use their own money, I say to the member from Huron-Bruce.

**Mr. Kormos:** And they pay for their own booze.

**Mr. Hudak:** And they pay their own expenses.

*Interjection.*

**Mr. Hudak:** I'm getting lectured by the member for Huron-Bruce, but it's true that you spent taxpayers' money like it's going out of style.

The only thing that limited how quickly Dwight Duncan could sign cheques was the physical ability to put his initials on those cheques. Otherwise, they rushed some \$3 billion out the door without a real plan on how that money would be invested. We've seen now the finance minister relatively embarrassed yesterday in his scrum with the media about the future of the subway project, which I suspect is just another Dalton McGuinty promise to buy votes—no true intention to invest in that infrastructure.

The finance minister had also talked about the film tax credit improvements. From the official opposition, my colleague the member for York North, our culture critic, had helped with amendments to actually enhance those tax credits, which were brought in by a Conservative government, I might remind you. But the Liberal committee members voted them down.

It's curious. The finance minister talks about the capital tax reduction and now boasts about it. They've actually had three different positions on the capital tax. There was a capital tax elimination schedule that was part of the previous Progressive Conservative government. When the Liberals came into power they said, "Oh, that's a terrible thing," and they scrapped it altogether. Do you

remember that? They scrapped the capital tax reduction altogether and postponed it well into the future.

*Interjection.*

**Mr. Hudak:** Actually, no, I don't think there was a schedule at first, but then finance minister Greg Sorbara came back and said, "All right, we made a mistake there," and brought in a schedule for capital tax elimination, which I think was up to 2012. And now finance minister Dwight Duncan brings forward one aspect of that capital tax elimination, a very small enhancement. But it represents the third policy by the government on capital tax changes. If you're trying to encourage investment in the province of Ontario, if you're trying to attract capital to this province, how changing your mind three times in just over two and a half years—

*Interjection.*

**Mr. Hudak:** It's true. You've had three different policies on capital tax in the last two and a half years.

**Mr. Dave Levac (Brant):** How many did you have on the municipal tax?

**Mr. Hudak:** He's asked me how many we had on the municipal tax. We had a very clear policy: Municipal taxes should go down, which is completely different than this government, that is encouraging tax hikes at the municipal level. The City of Toronto Act is another act. The City of Toronto Act is now pushing tax increases onto the city of Toronto and the hospitality sector, which is already hurting; onto cultural attractions by a new ticket tax, for example; and opens the door to a land transfer tax to further put the screws to working families or seniors who are trying to buy a new residence. The member asks me about municipal taxes. Well, I'm certainly proud of our record in pushing those taxes down, compared to a government that is pushing those taxes forward and higher.

I know my colleagues opposite don't like to hear this, but we also made sure that the annual education tax hikes that would happen under previous Liberal governments became a thing of the past. I know these guys haven't met a tax hike they don't like. We've seen that in their legislation and we continue to see it in their budgeting process.

My colleagues want to speak a bit about this, so let me just go back to schedule H. We reject fundamentally a budgetary policy of the McGuinty government based on false campaign promises. Dalton McGuinty promised that he wouldn't increase taxes. One of the first bills he brought in was the biggest tax hike in the history of the province of Ontario, squeezing more money out of the pocketbooks of working families and seniors and businesses. We reject a policy that sees spending increases at a rate that would make David Peterson and Bob Rae blush, the fastest spending increases in the history of the province. It took from Confederation, from John Sandfield Macdonald, here in the province of Ontario, to Ernie Eves to get provincial spending to \$68 billion. Dalton McGuinty will put it at over \$90 billion in one term only—irresponsible spending increases based on the biggest tax hike in the history of the province. Working



families and seniors, who are paying higher taxes, higher user fees, higher hydro rates, and now have to pay out of pocket for chiropractic care, for optician's care, are finding it increasingly difficult to make ends meet. And this budget has no break for taxpayers.

On schedule H, just to give you an example of some of the letters we received at committee: I'm sure the town of Hanover would have loved to have made a presentation at committee but were not able to do so because of the heavy hammer of the time allocation motion. This government didn't want a debate on this bill or on schedule H. His Worship the mayor of Hanover, Bob White, says,

"This is to advise you that the town of Hanover has gone on record as being opposed to the proposed changes to the Municipal Elections Act that would extend the term of office to four years.

"We hope that the government will give full consideration to keeping the term of council at three years."

Evidently, no consideration was given.

1640

The corporation of the county of Grey, submitted under the name of Sharon Vokes, county clerk, director of council services: "Grey county council is on record of supporting the current three-year term of office for municipal councillors and school trustees." It's actually a very nice, very well thought out letter submitted under the name of Warden Pringle, on behalf of the county council, objecting to the government's move, and I'm sure objecting to the fact that there were absolutely no public consultations of merit on this move.

There were a number of other submissions—my desk is littered with them—from people who were not able to come to the committee to make their voices heard on their objections to the manner in which schedule H was handled. They were Liberals, they were Conservatives and they were NDP members.

Michael Walker, city of Toronto councillor, in a media release:

"McGuinty's Liberals Ignore Public Process....

"Increasing the term to four years is not justified. The people have not been asked what they think and only two hours of public hearings is outrageous.... And the way the provincial government has hidden this major change in an omnibus bill dealing mostly with budget measures is insulting."

I think he identifies himself with the Liberal Party; I'm not sure. But Councillor Walker had that to say about the way this was handled.

Colin McMaster sent this in to Mr. Sorbara. Colin is a constituent from Woodbridge, Ontario. An ordinary taxpayer sent this in to Greg Sorbara, saying:

"Dear Mr. Sorbara:

"I understand that within the government's budget bill, Bill 81, is a provision (schedule H) that reduces the frequency of municipal council and school board elections from every three to every four years.

"I also understand that debate in the Legislature was prematurely cut off on this issue on Monday evening and that only a few hours of public hearings"—two hours—

"will be conducted on this issue on Thursday. I am disappointed that a government who claims to pride itself on governmental transparency seems unwilling to give much opportunity for public input on this issue."

**Mr. Leal:** What did Ann Mulvale say?

**Mr. Hudak:** I'll tell you what Greg Sorbara had to say.

That was from Colin McMaster—sorry, it was an e-mail from Kate McMaster, Woodbridge, Ontario.

In the media we actually did see former Minister Sorbara indicating some discomfort with the way this has been brought forward. I suspect, I say to my friend from Peterborough, that there are a number of members in the Liberal caucus, I bet a significant number, who aren't happy about this. I know it's a budget bill and it's a budget bill that, if they vote against it, they fear would be a vote against confidence in the government. They're worried about that. But Greg Sorbara did speak out about it, and I think there are a number of people who were happy with Mr. Sorbara's saying so because they don't support that measure. And they certainly don't support the way it has been handled by a finance minister who didn't have the guts to talk about it at second reading and a municipal affairs minister who didn't have the guts to stand up here and talk about it. They tried to hide it as part of the bill. I know there are members of the Liberal caucus who are unhappy about that.

threeyears.ca: Josh Matlow, Guy Giorno and David Meslin are three young, intelligent individuals from three different parties: Josh Matlow, Liberal; Guy, Conservative; Dave Meslin, NDP—all impressive individuals. It was fascinating to actually see Steve Gilchrist and John Sewell, one after the other, united on this bill. Mr. Gilchrist and Mr. Sewell did not often see eye to eye on legislation and the two individuals were united. In fact, at Mr. Sewell's presentation he made a very passionate presentation, as we would expect, in opposition to the government's tactics on this bill.

I know the three individuals, Mr. Matlow, Mr. Giorno and Mr. Meslin, have put together a website called threeyears.ca, which has been visited by all kinds of taxpayers in the province objecting to the way the government has approached this issue. I wonder if there are some pseudonyms used by some Liberal members of the House right now on that website. There may very well be, the name slightly changed.

I've gone on quite awhile here, probably too long. My colleagues are anxious to speak to this bill. But let me say as finance critic that we object to the irresponsible budgetary policy of the Dalton McGuinty government based on broken promises of higher taxes and runaway spending. We strongly object to this notion of reducing the frequency of local campaigns and not taking it to the people. If you had taken it to the people, if you had gone for public hearings and this is what they demanded, that would have been an interesting debate. But in fact it was quite the opposite, with this legislation being rammed through the Legislature without the ministers having the guts to stand up and defend it.



**The Acting Speaker:** Further debate? I recognize the member for Niagara Centre.

**Mr. Kormos:** Thank you kindly, Speaker. You can bet your boots there's going to be further debate. Unfortunately, because this government has little interest in the democratic process, that further debate is going to be limited to about an hour and 15 minutes, even less, before 6 o'clock this afternoon. I can't for the life of me understand how a government that wants to talk a big game about democratic reform would show such disdain for the democratic process when it rams Bill 81 through this Legislative Assembly.

In the limited time allowed us, New Democrats are going to speak to this bill. I am joined by Andrea Horwath, our colleague from Hamilton East, who has some very important things to say about Bill 81 as well.

How many hours in committee, Mr. Hudak, listening to the public?

**Mr. Hudak:** Two hours.

**Mr. Kormos:** Two hours—not because there weren't people who wanted to appear before that committee, and not because there weren't important things to be said, especially about schedule H, the Rob Ford amendment, the one that extends municipal terms from three years to four years. You could do a whole lot of extra drinking in that additional 12 months, couldn't you? Maybe you want to call it the Giorgio Mammoliti amendment: You can do a whole lot of traveling and take a whole lot of junkets at taxpayers' expense with that extra 12 months. Or maybe you want to call it the Tom Jakobek amendment: You can get a whole lot of payola, a whole lot of grease in that extra 12 months, can't you? Boy, the parking lot under city hall—give it 12 more months and the brown envelopes will just be whizzing. It'll be like Toronto airport on a busy day. They'll have to go into a holding pattern; they won't have time to land. The lobbyists' Pavlovian saliva will be dripping. I remember when I was a teenager, I used to hitchhike and get picked up, and somebody had a St. Bernard on the back seat of a Volkswagen—a St. Bernard just drooling. The lobbyists will just be salivating over the prospect of getting their claws into four-year terms.

Look, there's a debate to be held. I understand there are advocates for the four-year term. We heard a couple of them at the Bill 81 hearings—two hours. I want to tell you that I was just incredibly impressed with the submission of the troika of Steve Gilchrist, Josh Matlow and David Meslin. I've known Gilchrist for a long time and I've known David for a long time. It was an incredibly articulate and thoughtful submission. While it addressed and spoke to their concerns about expanding municipal terms to four-year terms from three-year terms, more significant, far more important and far more poignant was the appeal for a meaningful public debate.

Some of the obvious observations are that municipal councils—let's face it, there are two different worlds in Ontario in so many respects: There's Toronto and I suppose Ottawa, large cities with full-time councillors, but then there's the rest of Ontario, the kinds of places I

come from, like Welland, Thorold, Pelham and Port Colborne, and I suspect places like Peterborough too, where you've got part-time councillors. Councillors earn a modest stipend, and in many cases it is, for public service. But these are the political representatives who in fact are closest to the community.

**1650**

Ms. Horwath knows that; she was a very effective and very active city councillor for a number of years in the city of Hamilton. I was fortunate and blessed to be a city councillor down in Welland for about one term before the folks got me the heck out of town and sent me up here to Toronto.

I understand that city councils work, on a daily basis—you're working with nuts-and-bolts kind of stuff—whether it's something like waste removal from the trash bin that's put out in front of the house, to the stop sign that should be there, to the 15-minute parking sign at—as a matter of fact, I'm still waiting for the city of Welland. I wrote a letter to the mayor and the acting CAO about the poor Lee Wah Laundry downtown. They got stuck in the Hellems Avenue restoration from hell, one that lasted a good 12 months or so, dug up, and business dropped incredibly. The 15-minute parking sign that was in front of Lee Wah Laundry on Hellems and the little corner store beside it got taken out during the course of the construction and still hasn't been replaced. You understand what I'm saying, Mr. Hudak? What that meant was that people could stop for 15 minutes—because it's a residential area, an old part of town, central Welland. The problem is that the sign got taken down. So a month or so ago, I wrote a letter to the mayor and the CAO, saying, "Please, get that 15-minute parking sign up," because residential parking is taking place and people don't want to stop at the corner store that, again, suffered for a whole year.

City councillors do very important work, but they are the level of politics which is most engaged. I argue, for instance, that the second-most-engaged level of politicians are provincial members. Your federal members—these guys junket so many—well, you know, Speaker. Junkets. Whoa. You've never seen anything like it. You've got junket junkies in Parliament who make some of the guys around here look like pikers. You've got junket junkies in Parliament who make provincial members who have an addiction to those things look like small fry.

You folks know it from your constituency offices. You're the people who are expected to be at the events. The federal member can be—because, after all, he or she is doing important business in Ottawa, the deep-buried backbenchers. You never hear from them. They're never on their feet in the Legislature.

*Interjection.*

**Mr. Kormos:** It's true, Mr. Hudak. You know that.

City councils perform an incredibly important role, and there is a whole, strong argument out there that if you're going to keep people interested and active and concerned about participating in democracy, changing



municipal elections from three years to four years is not the way to do it.

Look, I quite frankly would live quite comfortably with the decision that was made at the end of a thorough and meaningful debate, one that involved not just consulting city councils, because we did hear from spokespeople who spoke about the AMO survey wherein a small majority of the respondents supported four-year terms from councils, but it was only a minority of councils in the province that participated in the survey. So that really wasn't a very accurate representation. But at the end of the day, so what? It's not what elected councillors say about three- or four-year terms that's important; it's what folks say, what people say, what residents of this province say, what voters say. And this government has no interest in them.

The problem is, you can't trust the McGuinty Liberals. The McGuinty Liberals promised to extend IBI treatment for kids with autism beyond the age of six. Ms. Horwath, if I'm wrong, say so.

**Ms. Andrea Horwath (Hamilton East):** No. You're right.

**Mr. Kormos:** Ms. Horwath heard the promise too. The Liberals promised to extend IBI treatment for kids with autism beyond the age of six, and the Liberals broke that promise. You can't trust Liberals when it comes to kids with autism.

Dalton McGuinty and the Liberals promised to end the child benefit clawback—you know, the theft from the poorest kids in our province. They promised. It amounts to \$1,500 or \$2,000 a year, doesn't it, Ms. Horwath? And the Liberals broke that promise, leaving these kids in poverty. You see, you can't trust the Liberals when it comes to kids and poverty either.

The Liberals and Dalton McGuinty promised to cap and control and regulate electricity rates in this province, and Dalton McGuinty and the Liberals broke that promise. So now we've got electricity rates skyrocketing and 110,000 value-added manufacturing jobs, industrial jobs, lost over the course of the last 14 months. So you can't trust the Liberals when it comes to their promises about electricity prices or about jobs.

The Liberal time allocation of Bill 81: First of all, nobody likes a sneak. It's creepy. Ooh, I hate sneaky people.

**Mr. Hudak:** What about a rat?

**Mr. Kormos:** Rats, sneaks, scabs and finks: Nobody likes any of them. They're the most despicable class of things—ooh. And here McGuinty and the Liberals sneak schedule H into Bill 81. They waited till nobody was watching and then they sneaked it in. It makes you want to go take a shower when you think about it, when you touch the bill. You look at the bill and, "Oh, it's a budget bill?" I'm sorry, but New Democrats are not going to support this government's budget agenda. Where's the amendment ending the child benefit clawback? Budget bill? Okay. Budget bill, no, sorry, no, no. We do not approve of the unfair and excessive and regressive health tax and reduced and more delisting of health care. No, we don't approve of the budget bill.

Oh, because the Liberals promised \$6,000 a year per resident of long-term care, the oldest people in our community, the folks, the men and the women who worked so hard and sacrificed so much building this province, building their homes, building schools, building hospitals, building factories, making communities, raising their kids, raising their grandkids, investing in our country's future. These are the folks in long-term care. The Liberals promised—you promised—\$6,000 a year of new money per resident in long-term-care facilities. Day after day, New Democrats have been telling this chamber about our seniors, proud, dignified people, having to sit in their own waste because there aren't enough staff in long-term-care facilities to take them to the bathroom. Day after day, New Democrats have been telling this Legislature about seniors in our long-term-care facilities, understaffed and under-resourced, who aren't getting even one bath a week. As one staff person said, it's not uncommon just to sprinkle some baby powder on them, instead of bathing them, to disguise the odour. And food budgets that are a fraction of what we spend on inmates in our jails.

Liberals promised to invest money in long-term care so that our folks and our grandfolks could live out their final years with some semblance of dignity. Instead, they're living those final years sitting in their own filth because you don't have enough staff to bathe them and take them to toilets. You can't trust the Liberals when it comes to our seniors either, I have no qualms in telling you.

We'll go through this budget bill and say, "No, these are not budgetary measures that New Democrats"—when, lo and behold, we come upon schedule H—the Rob Ford amendment, the Giorgio Mammoliti amendment, the Tom Jakobek amendment—with no public consultation. I applaud Josh Matlow, Guy Giorno and David Meslin for forming their little coalition of opposition and concern, and for mobilizing people around the need for a debate.

**1700**

Look, these people of all three political stripes—Giorno, Matlow and Meslin, all three political stripes—activists, all three of them, know what political debate is all about and know what winning is all about, as compared to losing, and know what losing a debate is all about. But at least they say, "Let's have the debate." Let's listen to the public, the folks, the people out there, the 12 million or 13 million Ontarians who pick up the tab every day, the 12 million or 13 million Ontarians who have been suffering the job losses, the 12 million or 13 million Ontarians who have been suffering the skyrocketing electricity prices, the 12 million or 13 million Ontarians who's parents and grandfolks are being treated with such disdain in our long-term-care facilities by this Liberal government.

Dalton McGuinty and his big words—I'll give these to Ms. Horwath; she may want to refer to them in the time she's got to speak on this bill. Dalton McGuinty, with all his pompous Harnicking in this House—looks like



Dalton McGuinty but sounds like Charlie Harnick. That's Harnick with a capital H, for the purposes of Hansard. Big game about democracy, but when it comes to deliver, zip.

Down where I come from, people expect more from their provincial government. Down where I come from, people change provincial governments when those governments Harnick the way this one has.

Thank you kindly, Speaker. Ms. Horwath will be using the rest of this scarce amount of time.

**The Acting Speaker:** Further debate?

**Mr. Khalil Ramal (London-Fanshawe):** Je vous remercie de me donner l'opportunité de parler à propos de ce projet de loi 81, car il est important que les Ontariens comprennent et sachent le but de ce projet de loi 81.

Mr. Speaker, before I start, I want to tell you that I'm sharing the time with my colleague from Huron-Bruce.

I'll repeat what I said: It's important that all Ontarians know what this government is doing for them. I was listening to both the member from Erie-Lincoln and the member from Niagara Centre. I want to start with the member from Erie-Lincoln. You're talking about balancing the books and balancing the budget. I want to tell you, it's very important to us to fix the mess you gave us when we got elected, because we inherited not just one deficit, not just a fiscal deficit; there was a health deficit, an education deficit and an infrastructure deficit. That's why our government is determined to fix the mess of the Conservative government.

That is why we want to continue investing in health care. It's very important to us, and very important to all Ontarians, to have health care accessible; to have health care able to help all the sick people in Ontario; to invest in the hospitals, build more hospitals, despite what the previous government did—closed many hospitals; to invest in more cardiac surgery, heart procedures, cataract surgery, hip and knee replacements and many other procedures across the health care spectrum. That's why we want to continue investing in health care. We believe it's vitally important to maintain health care publicly and accessible for all.

Also, we want to continue investing in education, because we believe strongly that education can take us into the future. Education is a way to keep us competitive in international markets and give us the scientific ability to compete in the future. That's why education is important to us. We're going to continue investing in the education system.

It is the first time in many years that we've seen peace and tranquility in the education sector and that we've seen happiness among the teachers, school boards, unions, families, students—all happy because we created peace and tranquility in the education system.

I want to continue: We've invested money in infrastructure, which is a sector that has not been invested in for a long, long time. Our roads, our highways, our bridges, our hospitals and our schools need repair badly and badly need to be rebuilt. Why is that? The previous government neglected all these areas.

With our continuous investment in all of the segments of our economy, we also want to tackle the fiscal deficit. I was listening to the Minister of Finance talking about how we're going to tackle all these issues together and how we're going to continue to be a healthy province, because this province contributes a lot to the whole national economy. I was pleased to hear a couple of days ago that the index of economic growth in this province was great, and the performance and productivity of this province helped the total productivity and the national growth. This province's economic health is vitally important, not just for Ontarians, but for the whole nation. Due to our investments in our economy, we are helping many different sectors to keep us prosperous and to continue to be a prosperous economy.

Despite what the member from Niagara Centre said that we didn't do what we promised, I want to tell him that this is our third budget. We still want to continue working hard in order to achieve all of the promises that we said we want to do before the election, because our promise has to be fulfilled. We believe strongly, under the direction of our Premier, Dalton McGuinty, that we are going to continue building this province and building the economy of this province, building the education of this province, building the health of this province, fixing all the infrastructure of this province, because it's very important to us to link all these elements together. By working on all of these elements together, we are going to have a prosperous and able economy, not just to help Ontarians, but to help all Canadians.

He represents a party that has a bad government record. When they were the government in the 1990s, what did they do? They had a huge mess on every front, from labour to health to education to infrastructure to the fiscal deficit.

So I believe the record and the results of the government show great indications of their ability to govern this province. Therefore, the people of Ontario can judge us in an election according to our results in education, our results in infrastructure, our results in health care, our results in balancing the budget. That is why I am honoured and privileged to be part of a government working on a daily basis to tackle all these issues together, without forgetting the people of Ontario, without forgetting how we can balance the budget, and showing the Conservatives and the NDP and the people of Ontario that we're an able government and able to balance all the books, all the deficits which we inherited from the past government.

**Mrs. Julia Munro (York North):** I'm pleased to be able to add a few comments in the brief time that we have to look at the budget.

The first thing that I would like to respond to is the question of this government in fact having a minister responsible for democratic renewal. It's really rather interesting, because this was a significant part of the McGuinty platform, that they would be looking at the need for and the kind of ideas that could be put forward to introduce democratic renewal.



When my colleague from Erie–Lincoln asked the minister the other day about the kind of consultation process that she as the minister would have engaged in before the decision was made to put in the change to the municipal term of office—hidden, actually, in the budget—she was not able to answer the question. One is left to assume then that she didn't know anything about this or making those kinds of changes, which are, frankly, extremely important and quite significant in municipal life. She handed the question off to the Minister of Municipal Affairs.

1710

From our perspective, this was really quite disappointing and makes one question the whole area of democratic renewal and just how serious this government is in naming a minister and not having any consultations on making a very significant change to the way in which our municipal governments are organized. As we look at this, we discover, of course, that there was no consultation. People have made reference to the fact that a survey was sent out. Of course, a survey was sent out, not to every municipal politician, but to some. I think that what we're accustomed to in our democratic process is an opportunity for everyone to speak on an issue. You don't just go out and selectively choose those people you are going to ask.

So, first of all, we have the question of the interpretation of what in a McGuinty world "democratic renewal" means, and, secondly, the fact that there was no public participation in this process.

Many have begun to look at the question of the value of three years versus four. There are four municipalities in my riding, and it seems to me that on a three-year cycle there's an opportunity, frankly, to provide for greater public participation and engagement. We are constantly aware of the fact that voter turnout isn't ideal. We would like to see more voter turnout. But in being able to establish interest within the community at the municipal level, it has to be issue by issue. We don't have political parties, we don't have a parliamentary system at work, at the municipal level. Individuals are there generally because they see a particular need in their community and this has then caused them to go forward and make themselves available to run for public office. So it's much more on an issue-by-issue basis. When you look at a three-year term, you can, I think, have a greater chance of engaging the public in looking at those municipal issues and being able to see the position taken by both the incumbents and the candidates. That is the very stuff, frankly, of the democratic process.

What this does by stealth, I would argue, is actually create fewer times for that kind of grassroots political engagement to take place. So I find it extraordinary that the government would pay lip service to democratic renewal and yet create an environment where all of a sudden people are going to find themselves only able to exercise their franchise every four years at the municipal level. I think it will do exactly the opposite in terms of increasing public interest, because people are going to be

discouraged. They're going to think that taking any kind of stand on a municipal issue is going to have a time frame where it's all going to be done by the time they would be able to exercise their franchise and influence some outcomes.

I'd like to turn for a moment to the question of the Ministry of Children and Youth Services, and particularly the issue around children's treatment centres. There are 21 children's treatment centres across the province. They have made, I think, a very cogent argument as to their particular needs. They are looking at our most frail and vulnerable children in the province. Their need is to be able to address the growing need for their services.

The Minister of Health and the government have put a great deal of resources into wait-lists. In children's treatment centres, there are wait-lists. If one is going to embrace the importance of wait-lists in health care, one should also then be prepared to look at the wait-list for that particular vulnerable part of our population with the same interest. Instead, we see that individual children's treatment centres are having to manage their lists by reducing services to those they already serve in order to manage to provide some level of service to a greater number. We would certainly like to have seen some specific funding that would allow those children's treatment centres to look at wait-lists in a way that serves the needs of those children who are in treatment and those children who are on waiting lists.

Another area that is of interest to my constituents is the question of infrastructure. This government has made a great deal of commitment in terms of funding to transit, but we need a balanced approach to the issues around transit and highways. Highway 404 has been through a process now that dates back about 12 years. In the interim, we have had enormous growth alongside the proposed routes. The importance of this kind of infrastructure—it actually is under even greater pressure when you look at this government's initiatives around the greenbelt and Places to Grow. Obviously, in order to have places to grow, which we have identified in my riding, you need those kinds of infrastructure investments. When you look at any of the 400-series highways, you can see that they become the magnet for commercial and industrial activities. They are the things that provide the jobs. If you're really serious about transit, about gridlock, you reduce the time people spend trying to get to work. That is not being done by stalling on building the extension of the 404.

The final area I would like to speak on is the question of interest on the debt. I think it's really important for people to have a sense of where the government spends its money. If we were to take that as a dollar, you are looking currently at 11 cents on the dollar; that is, 11% of all the expenses of government is spent on just maintaining the interest on the debt. Clearly, this government has chosen not to use its \$3-billion windfall to create a balanced budget, to be looking at the importance of debt management. We think this is something people need to understand. Those are dollars that obviously could be spent on programs, on initiatives, on infrastructure, on



whatever the government chooses to do, but not when you have 11 cents on the dollar.

In concluding, obviously the question of extending the term of office at the municipal level does not belong in a budget bill. It's clearly there to limit discussion, to prevent people from having that fulsome debate that, quite frankly, is the essence of democratic renewal.

1720

**The Acting Speaker:** Further debate?

**Ms. Horwath:** It's my pleasure to participate in the very truncated third reading debate on Bill 81, the budget bill. I say "truncated" because people who have been watching tonight will already know that the government has decided to restrict further debate on this bill. They've decided to shut down the debate through a time allocation motion, which other members have said, and I would agree, is completely anti-democratic. It is undemocratic to shut down debate simply because the pressure is getting too high, not on—well, yes, on the main parts of the bill, which I'll be speaking to as well, but particularly on the little piece that this government tried to hide in the back of the bill through schedule H, which is what everybody is talking about tonight, and that is the idea of extending municipal terms of office to four years.

I was quite frankly shocked. I was surprised. I really didn't realize, and I shouldn't admit that in front of my own House leader, Mr. Peter Kormos from Niagara Centre, because I actually didn't realize that the government even restricted the amount of time at committee for this bill. So even if there were councillors and residents, community members, just people concerned about this issue of how you elect your municipal councillor, how you elect your councillor at your closest level of government, how often you get to do that, how often you get to give them a report card, if you will, through an election process, even that was restricted to only two meagre hours of hearing from people on that issue. That's extremely unacceptable, and it's unfortunate that this government continues to slide things by, to hide things at the back of bills and try to get away with it without bringing it into the light of day and without getting ample and adequate discussion and public debate on the issues.

I'm going to perhaps speak about that a little bit more at the end of my remarks, if I have time. I think it has been well covered off thus far this afternoon/evening. But I did want to talk about a couple of other issues because, really, for all intents and purposes this is a budget bill, and the bill sets out what the government sees as its priorities over the next year. What it also does, though, is shine a light on the things that the government doesn't see as priorities for the province of Ontario, for the people of Ontario, for working families in Ontario.

I can tell you that I was sorely disappointed by some of the things that just didn't seem to be able to make it on the priority list, notwithstanding absolute promises by the McGuinty Liberals both during the election time frame, prior to that and even since that. Many promises have come forward that have not yet been fulfilled by the government.

When I look at the timing of the next election for members here—expected next October—you have to acknowledge and recognize that this is the last full budget this government is going to be able to bring forward, because the next budget that they bring forward next spring is only going to last until a new government is elected and they bring in their first budget.

**Mr. Kormos:** It will be a BS budget.

**Ms. Horwath:** Yes, it will be a BS budget likely, just like this is a BS budget.

I wanted to talk a little bit about the one thing that the government, when they were running for election, had spoken a lot about. They made big commitments around the children of the province. They made huge commitments. In fact, one of the major planks of their platform was around early learning and care. It's absolutely shocking, it's stunning that in this budget, in this Bill 81, the government has purposely ignored their obligation, their responsibility and their promise to the children and families of the province of Ontario. How have they done that? Not only have they not fulfilled their promise of a \$300-million investment in child care in the province of Ontario; instead they turned around and cut the budget, so they're spending even less this year than they did last year for child care in the province of Ontario.

What kind of leadership is that? What kind of leadership is that, that the minute things get a little rocky—certainly we would all agree the federal government has done the wrong thing on their child care file. Nonetheless, as soon as it gets a little rocky, they turn, hightail and run away from the child care commitments they've made to the families of this province. That is absolutely unacceptable.

You'll remember it was a mere year and a half ago that the then-minister was so proud, making all kinds of announcements and taking all kinds of photo ops about the Best Start program. Where are we now? The Best Start program is a non-starter, a false start, because this government has decided that they do not see a role for the provincial government to take leadership in the provision of child care in the province of Ontario. Do you know what? You only need to look at the province of Quebec if you want to see a model for leadership in child care. It's not impossible to undertake that if you're committed to it, but you're only committed to it if you can provide the dollars through the federal transfers. If you all of a sudden have to fulfill your promise for \$300 million to be invested in child care, it's not going to happen.

If there was one big disappointment, it was that this government refused to step up to the plate and fill in with even their own \$300-million investment in child care that they promised, to start to build from where we are now as the federal government withdrew its support. But no, this government's commitment to child care was very, very fleeting. It flitted away the minute the federal government decided to change their direction on child care funding, and that's unacceptable.

The government likes to talk about the fiscal gap. They have all of these efforts they make around talking



about how Ontario gets a raw deal, and that's fine; I think members of this House unanimously talked about the fact that that certainly needs to be addressed. But you can't on the one hand say that you're taking a leadership position and speaking out on behalf of the people of Ontario, and at the same time back away from something that you had said was one of your fundamental beliefs in your campaign: a provincial child care program built on all the appropriate principles—access, quality, licensing. They wouldn't go as far as to say “not-for-profit”; no, they don't believe that not-for-profit is the best way to deliver it, although all of the studies that are available will indicate that that is the best way. But as Liberals often do, they hedge on that issue and decide they're not going to go for the not-for-profit model even though that is the best one.

Do you know what? It's all moot now, because this government is not prepared to invest in child care in the province of Ontario. If there is one huge disappointment, it is to see that this government really had no commitment behind their very nice words and their very pretty plans around a child care program for the province of Ontario. Instead, what we see in this budget, in this bill, is a 22% reduction to child care; \$186 million taken away.

That's not the only failure this government has when it comes to children. The member for Niagara Centre, Peter Kormos, my colleague here, has raised it already very briefly in his remarks: the issue of the national child benefit clawback, another very clear, very precise, very big promise that the Liberal Party made when they were running for election. Before the election, they were livid that the province was clawing back the national child benefit from the poorest families in Ontario. They were up one side and down the other of the former government for clawing back those dollars. They said it was wrong; they said it was inappropriate. They said that if they got elected, they were going to stop the clawback; they were going to end the clawback.

Here we are, with yet another budget bill—what is this one? Is this the third budget bill of this government? I think it might be, or the third budget of this government; maybe not the third bill, but certainly the third budget—and we still have the national child benefit being clawed back from the lowest-income families in the province of Ontario, \$1,600 a year that could be in the pockets of those families, where they could be providing a better standard of living for their kids; where parents don't have to be going to the food banks as often; where they don't have to move because they've run out of rent; where they don't have to have, for example—and this happened in my city just a couple of days ago—a family whose utilities had all been cut off because they could no longer afford to pay them. They were using candles for hydro, and their house burned down. Of course, they had no insurance, so they've now lost everything. Why? Because this government refuses to acknowledge that people who are living in poverty need to have some assistance to get to a subsistence level that enables them to have at least a quality of life that keeps them out of harm's way.

1730

That's another issue that's so extremely problematic. This government, notwithstanding all of the railing that they did against the previous government, has not addressed the deepening poverty in the province of Ontario; they have totally ignored that issue. They have not built a stitch of affordable housing. They'll say they have, but you know what? They haven't. Perhaps some 63 or 64 units have been built of real affordable housing. I'm not talking about public-private partnership, condo-type schemes and deals; that's not what I'm talking about. I'm talking about real affordable housing, where there are tens of thousands of families on the waiting list here in Toronto, there are thousands and thousands of families on the waiting list in the city of Hamilton, and I'm sure that most of the major cities in the province have waiting lists for affordable housing. But this government did not see its way in this budget. I want to know what they're doing with those federal dollars, because I know the federal dollars are flowing. But I also know that the provincial government has not seen fit to develop a program that quickly gets bricks and mortar built so that people no longer have to be waiting on waiting lists in the streets of our cities without a place to live. It's absolutely unacceptable that in this province, with so much wealth, we have the shame of deepening poverty on our streets.

Today, I met with some people from Children's Mental Health Ontario. They enlightened me as to what their concerns are about yet another broken Liberal promise around children's mental health. I raise it because it's an extremely important issue and one that unfortunately doesn't really get raised very often in this House.

The provincial government, the Liberal McGuinty government, had made a commitment. They knew and they have known for a long time that children's mental health is suffering significantly in the province of Ontario, and I'm going to go through some of the stats very briefly in a minute. They were promised that the government was going to undertake a process to review the situation and develop a framework for children's mental health. They weren't even asking to have all the solutions right away. But the service providers, Children's Mental Health Ontario and the member agencies, engaged in a process of consultation to try to solve the problem. They came up with a summary of some of the discussions that were taking place around the possibility of this framework and what it would look like.

Guess what? This framework was supposed to be in place, introduced and begun to be worked on last year. It didn't happen. That was the promise: “The framework will be ready.” It wasn't ready. So they were told, “Wait until the spring. We'll have it ready for you in the spring.” Spring has come and is almost gone, and they've just recently been told, “Perhaps June.” I was surprised at the meeting that one person was saying, “They told us June,” and another person at the table was saying, “We were told it might not even be ready until October.”



When you have a children's mental health system in the province of Ontario in crisis, and I'm going to tell you a little bit about that now, you have to get around to not only the plan, but then making sure the plan gets implemented. If you're not even going to put the plan in place, when are we ever going to get to the implementation? How many more children and families in the province of Ontario are going to have to suffer because this government cannot get its act together enough to put in place a system of programs and services that actually help young people who are dealing with mental health problems?

I'm going to say this, because it's absolutely true: If you reach young people, children and youth, when they are getting diagnosed and when they are acknowledging or finding out that they have a mental health problem, then you are going to save that person and their family so many years of anguish and pain.

Funding for Ontario children's mental health service centres has been cut or frozen for 12 of the last 13 years. What that means is that when you add in inflation, the capacity of that system to serve children who need mental health services has been reduced by more than 25%. Every single year, these agencies are having to cut back and move around their staff. In fact, what's happening is that their staff are leaving. People are leaving that system because the job cuts are coming every year, year after year, and they're not getting any signs from government that they're prepared to deal with the problem.

Children between the ages of four and 17 are the ones most likely to have a mental illness in Canada. Anxiety disorders, post-traumatic stress, panic, separation, obsessive-compulsive—6.4%; attention deficit and hyperactivity conduct disorder, depressive disorder, substance abuses—these are some of the ways children's mental health issues arise. Young people with mental health disorders are at a greater risk of dropping out of school, ending up in the criminal justice system or the youth justice system and not being functional as they reach adulthood.

Depression and suicide in our young people are at an enormous rate. In fact, suicide is the second-highest cause of death for youth in the province of Ontario. Suicide: totally preventable if children and young people get the resources they need out of the mental health system. But sadly, this government has not prioritized children's mental health, certainly not in this budget bill or the budget it refers to. That is another shame of this province.

What did this government prioritize? They prioritized some good capital tax cuts for banks and insurance companies. They made sure they got their money. They had a \$3-billion slush fund at the end of the year and they were able to talk proudly about that. They didn't take any of that money and invest it in some of these programs that can really help people, that can save our children, that can save some of our families from the blight of poverty. They didn't do that.

What else didn't they do? They didn't do a lot of things. We talked about some of the health issues earlier.

Instead of fulfilling their promises around turning their backs on privatization of hospitals or private financing models, what did they do? The minute they had the chance, they thought they'd find another way of talking about it: "Give it a different nomenclature and everything will be fine; nobody will know we're really talking about P3s," or alternative financing or whatever you want to call it. What is it? It's private financing of hospitals. They said they weren't going to do it; they've done it.

Look at the long-term care system. This has been raised by New Democrats time and time again in this Legislature. They have failed the senior citizens of this province. They have still not invested the \$6,000 per resident that they promised they were going to invest. What do we have? We have our vulnerable seniors in long-term-care facilities all across this province crying out for some dignity, crying out for a little bit of help, crying out for a decent meal—\$5.34 a day to feed a senior citizen is unacceptable. That is unacceptable and exactly contrary to what this government promised the seniors of Ontario.

So what do we have? We have a budget bill that gives some favours to some sectors, but totally ignores some of the major planks this Liberal McGuinty government ran on in the last election. When you look at the spectrum, they're failing children on the one side, failing them through all the issues I raised, but we also know from our education critic that there are still significant problems in the schools, with special needs, with not being able to access things like French-as-a-second-language and English-as-a-second-language resources in the schools, that there are still problems with the funding formula and transportation. So children have been written off, pretty much, by this government. Then on the other end of the spectrum we have our senior citizens, our other most vulnerable group in Ontario. Again, the government turned a blind eye to those vulnerable seniors.

I don't even have time to talk any more, about schedule H, the odoriferous schedule on municipal terms.

**The Acting Speaker:** Further debate?

1740

**Hon. Mary Anne V. Chambers (Minister of Children and Youth Services):** I'm so happy to have the opportunity to bring some facts to the table. The member from Hamilton East works really hard, but I want her to do an even better job than she normally does.

Here is what she should know: She should know, for example, that in her own riding of Hamilton East, 829 new child care spaces will have been created by September of this year. As a matter of fact, I'm really proud that, as a result of steps taken in this budget, our government, the Liberal McGuinty government of Ontario, is taking care of kids and their families with a commitment to sustaining the 14,873 new spaces that will have been created by September of this year. This means more spaces for children, more high-quality, licensed, regulated, developmental spaces for children. This also means more income-based subsidies to help make child care more affordable for these parents in Ontario. It also



means wage improvements, which should be really, really important to the member from Hamilton East. It also means sustaining our Best Start program, and the member from Hamilton East should know of the excellent work that is going on in Hamilton East, her riding, where we have one of our demonstration sites.

I want to congratulate everyone who has worked, unlike the member opposite, to help us advocate on behalf of families in Ontario, rather than playing partisan politics with our children and their families. I say shame on them, because they have yet to say to the federal government, the government of Canada, "Stand up for kids. Stand up for kids all over this country."

**Mr. John O'Toole (Durham):** In the very limited time there are several items that need to be put on the record. Listening, as I am today, I would say that we are dealing with a problem here, that this is a time allocation bill. In fact, they've shut down debate and contradicted themselves in this whole process of free debate, specifically around the budget. When you really think about it, one of the most important documents that sets the table, if you will, for the government's agenda for the next term is clearly identified in the budget and the process that flows from that.

As the remarks have been made to date, a lot of the stuff in the budget bill itself is quite traditional and expected, I suppose. If you look at some of the language in any detail, you will see that quite often they are amending certain acts with respect to regulations and tax provisions.

I thought there was one particular section in the bill—I'm not talking about schedule H; schedule H has been talked about. That is the anti-democratic insertion of that four-year election term municipally. There's been much said about it, and it appears that they've secretly slipped it into this budget bill, hoping that no one would notice, and then time-allocated it so that no one had time to respond. It's a theme that I see becoming consistent and predictable with this government.

But there's one other small, often not mentioned—our critic Tim Hudak and the member from York, Ms. Munro, have made an eminently considered appeal for how undemocratic this is. But this is a budget bill, they are the government and they are again raising taxes and spending more. But there's one little schedule E here under the Gasoline Tax Act; quite an interesting little piece here. There is a tax exemption for ethanol. There is a requirement under the regulations made under the Environmental Protection Act that ethanol be added to gas. They are going to add that to gas, but they're also going to permit the provision to tax that portion of the gas that would otherwise have been exempt.

The health tax was what set the high-water mark for the current McGuinty government—about \$2.5 billion of additional revenue. I think at the end of the day, with all of these revenue expenditure questions, the people listening and the people observing should ask themselves, "Is it any better?" That's the acid test of all governments at the end of the day: Is it any better?

We all probably agree to some extent with many of their priorities, like health care. I ask the viewers, those listening, and those reading Hansard to ask yourselves, "Is health care any better?" They've got the wait-time strategy. A lot of federal money flowed to make that happen. Is it any better? They had a strategy that I think is part of the economy, a failed strategy, and that's the energy strategy. Is it any better? You're paying more and getting less. That seems to be an emerging theme. You're going to pay more under a Liberal government of any stripe and you're going to get less. Those are two points I've pointed out here that are consistent with their theme of tax and spend, which is the traditional Liberal definer; it's the defining phrase.

If someone asks me what I think, I would say that all people in this chamber would like to make Ontario a better place to live, work and raise your family—no question of that. But when you are paying more and getting less, you have to ask yourself the question: Is it justified? Then on top of that, to rub salt in the wound inflicted by Dalton McGuinty on every citizen, I put to you that you are paying more and you are getting less. That's the test of the budget, despite all these phrases and clauses. Even intensifying that mistrust is slipping in schedule H at the ninth hour, a secret clause—schedule H, payback time for the municipal partners.

The member for Hamilton East made a couple of very good points. I think she failed to mention their commitment to education. Certainly we all want education to be better. There's a bill before the House, Bill 78, which is now in committee. There's not a lot of receptivity to it by many of the leaders. I have a letter signed by Dalton McGuinty where he actually promised autistic children and their families that he would fix that problem. This is in addition to the promise of the national child benefit, the clawback that keeps being discussed. These are signed promises, the signed commitment of a political leader.

What I say is missing from this—when persons tell you they promise something, you better hold them to it, because they're the leaders you've elected, to whom you've entrusted your voice and your will. They may be giving the appearance that they're doing the right thing; it's clearly anything but. Just ask the autistic families of Ontario. Ask the people from Community Living who were here today. Ask the people in long-term care. Ask the people waiting for surgery. Ask the farmers of Ontario if they're happy. Ask the chiropractors. Ask the optometrists. The pharmaceutical bill is another one that's being rammed through. I tell you that even with the Rae report that said they were going to spend six-point-something billion in post-secondary education, students' tuitions went up. Your transit passes went up.

**The Speaker (Hon. Michael A. Brown):** Thank you.

Pursuant to the order of the House dated May 1, 2006, I am now required to put the question.

Mr. Duncan has moved third reading of Bill 81, An Act to implement 2006 Budget measures and to enact, amend or repeal various acts.



*Interjections.*

**The Speaker:** Oh, well, that is a legitimate point. I am sorry. Further debate?

**Mrs. Carol Mitchell (Huron-Bruce):** Thank you, Mr. Speaker. I really appreciate the opportunity to speak to such an important bill.

I want to start off by saying to the member from Durham, who said, "Ask yourself, is it any better today?" that when I have the opportunity to go out in my riding and I say, "Is it any better today?" the answer I receive from my constituents is, "Yes, it is better."

Here's why it's better. When we took over government, we not only had a health care deficit, an education deficit and an infrastructure deficit, but we started with a fiscal deficit. I know that from across the way there isn't an acknowledgement that that in fact is what we had when we started in government, but that is what we had. So I think that on the qualifier, the benchmark we have, "Is it any better?" what I hear is, "Yes, it is better." I think that is probably what the member from Durham meant to say and probably where he was going. So I want to finish what he probably would have said had he had longer to talk.

One of the things I want to speak to is the constant messaging that we hear from the other side of the House. "It's misguided, harmful," the member from Erie-Lincoln said. And one of the things I want to speak to specifically is something which affects his areas directly. This "misguided and harmful"—his language. I wonder if the grape growers would agree with him when \$1 million was allocated to that. I just wonder when we'll talk about that. Through the hearings that member had the privilege of hearing from constituents throughout Ontario. He heard from the grape growers the need that they have within their agricultural community and what they need to do to bring forward the hardier varieties.

But I want to speak to the fallacy that the ag budget was not increased. It was increased and has been increased. Certainly a commitment to the agricultural community was also made for a multi-year strategy with a federal component. Clearly the ag community has heard that. You can pick up any paper and read that today, from our commodity representatives as well as our ag rep.

Because of my background, I also want to speak to three-year terms versus four-year terms. Some of the comments that were made during the hearings—"Well, there is no cost to campaigns." That was a comment made by one of the presenters, but we know that's not so. In the riding I represent we are not in the same pay scale. The workload is as hard, but our pay scale isn't in the neighbourhood with many of my urban counterparts. But the work is still there and the commitment is still there. I do want to say that this clearly was a decision that was put forward to municipalities and AMO did—

**The Speaker:** Thank you. I apologize for my error.

Pursuant to the order of the House dated May 1, 2006, I am now required to put the question. Mr. Duncan has moved third reading of Bill 81, An Act to implement 2006 Budget measures and to enact, amend or repeal various Acts. Is it the pleasure of the House that the motion carry?

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the ayes have it. Call in the members. This will be a 10-minute bell.

*The division bells rang from 1753 to 1803.*

**The Speaker:** All those in favour will please stand one at a time and be recognized by the Clerk.

**Ayes**

Arthurs, Wayne	Hoy, Pat	Phillips, Gerry
Balkissoon, Bas	Jeffrey, Linda	Qaadri, Shafiq
Bartolucci, Rick	Kular, Kuldip	Racco, Mario G.
Berardinetti, Lorenzo	Kwinter, Monte	Ramal, Khalil
Brownell, Jim	Leal, Jeff	Ramsay, David
Cansfield, Donna H.	Levac, Dave	Rinaldi, Lou
Caplan, David	Marsales, Judy	Ruprecht, Tony
Chambers, Mary Anne V.	Matthews, Deborah	Sandals, Liz
Colle, Mike	Mauro, Bill	Sergio, Mario
Cordiano, Joseph	McGuinty, Dalton	Smith, Monique
Delaney, Bob	McMeekin, Ted	Smitherman, George
Dhillon, Vic	McNeely, Phil	Sorbara, Gregory S.
Di Cocco, Caroline	Meilleur, Madeleine	Takhar, Harinder S.
Dombrowsky, Leona	Mitchell, Carol	Van Bommel, Maria
Duguid, Brad	Mossop, Jennifer F.	Wilkinson, John
Duncan, Dwight	Oraziotti, David	Wong, Tony C.
Flynn, Kevin Daniel	Parsons, Ernie	Wynne, Kathleen O.
Fonseca, Peter	Patten, Richard	Zimmer, David
Gerretsen, John	Peters, Steve	
Gravelle, Michael	Peterson, Tim	

**The Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

**Nays**

Amott, Ted	Kormos, Peter	Prue, Michael
Bisson, Gilles	MacLeod, Lisa	Runciman, Robert W.
Elliott, Christine	Marchese, Rosario	Scott, Laurie
Hardeman, Ernie	Martiniuk, Gerry	Sterling, Norman W.
Horwath, Andrea	Miller, Norm	Tabuns, Peter
Hudak, Tim	Munro, Julia	Wilson, Jim
Jackson, Cameron	O'Toole, John	

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 58; the nays are 20.

**The Speaker:** I declare the motion passed.

Be it resolved that the bill do now pass and be entitled as in the motion.

It being after 6 of the clock, this House stands adjourned until 6:45 of the clock this evening.

*The House adjourned at 1806.*

*Evening meeting reported in volume B.*



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## Legislative Assembly of Ontario

Second Session, 38<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

Deuxième session, 38<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Wednesday 10 May 2006

Mercredi 10 mai 2006



Speaker  
Honourable Michael A. Brown

Président  
L'honorable Michael A. Brown

Clerk  
Claude L. DesRosiers

Greffier  
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# LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 10 May 2006

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 10 mai 2006

*The House met at 1845.*

## ORDERS OF THE DAY

### GREATER TORONTO TRANSPORTATION AUTHORITY ACT, 2006

### LOI DE 2006 SUR LA RÉGIE DES TRANSPORTS DU GRAND TORONTO

Resuming the debate adjourned on May 4, 2006, on the motion for second reading of Bill 104, An Act to establish the Greater Toronto Transportation Authority and to repeal the GO Transit Act, 2001 / Projet de loi 104, Loi visant à créer la Régie des transports du grand Toronto et à abroger la Loi de 2001 sur le Réseau GO.

**Hon. Mike Colle (Minister of Citizenship and Immigration):** On a point of order, Mr. Speaker: With great fanfare, I'd to announce that it is the birthday today of the illustrious member from Trinity-Spadina. So we should all honour him on his birthday and ensure that the debate is short and sweet, because he has a big party to go to, so he'll be out of here very quickly. Happy birthday. Bon compleanno.

**The Acting Speaker (Mr. Bob Delaney):** Although that is not a point of order, the Chair joins with the members in wishing the member for Trinity-Spadina a happy birthday.

*Interjection.*

**The Acting Speaker:** You're not in your seat.

Further debate? The birthday boy, the member for Trinity-Spadina.

**Mr. Rosario Marchese (Trinity-Spadina):** I want to thank Michael Colle and my friend for announcing that. Generally I like to keep it under the radar. It's not something that one likes to celebrate as you get older. In fact my mother, Maddalena, doesn't like to talk about birthday parties. She's 95.

**Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader):** How old are you?

**Mr. Marchese:** I'm just a bit over 50.

**Hon. Mr. Caplan:** How much older?

**Mr. Marchese:** I'm 54 years old. It is scary. I know we're debating Bill 104, the Greater Toronto Transporting Authority, but I've got to tell on the record that I don't like getting old. I have to say this.

**Hon. Mr. Colle:** Il e una vergonia.

**Mr. Marchese:** Una vergonia indeed. The Hansard person won't be able to spell that one.

I think that as you get older you want to celebrate your birthdays less and less. Isn't that true?

*Interjection.*

**Mr. Marchese:** No, Maria? God bless you, then, because you would be one of the few who enjoys aging with dignity. That's beautiful, Maria.

**Mr. Kevin Daniel Flynn (Oakville):** God bless.

**Mr. Marchese:** And God bless.

**Interjection:** How old are you?

**Mr. Marchese:** I just announced that earlier.

I want to take a few minutes, because my friends are squeezing me for time. Have you noticed? I don't want to be courteous to them for having a mere 15 minutes or so. I want to talk about the Greater Toronto Transportation Authority, Bill 104. To the folks out there, we're on live. This is May 10. Remember that date. May 10, almost 10 to 7. Wednesday night. And they are tuning in because this is one of the most important political channels you could be watching. I know there are multiple choices for the viewers but this is one of the best.

*Interjection.*

**Mr. Marchese:** People tune in from all over—Peterborough, Ottawa—from all over the place—Thunder Bay, everywhere. You get people calling you from all over the place.

**Mr. Jeff Leal (Peterborough):** Rosario, I thought you were going to tell us about your mother. You were talking about your mother.

**Mr. Marchese:** No, I want to talk about the Greater Toronto Transportation Authority. Does anybody remember the Greater Toronto Services Board by any chance? Who remembers that?

**Mr. Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot):** I remember.

**Mr. Marchese:** Former city councillor, you would remember it. Mayor from Ancaster, Flamborough—

**Mr. McMeekin:** I was the day mayor, not the nightmare.

**Mr. Marchese:** The day mayor. Oh, there are two types? I didn't know.

**Interjection:** He was the nightmare.

1850

**Mr. Marchese:** A nightmare. No, no, he's a good guy.

I remember the Greater Toronto Services Board existed for a long, long while under the tutelage of one Gordon Chong, whom I respect. But I can't recall one single thing they did that was fruitful. It reminds me a bit



of the bill that we are about to debate, the Greater Toronto Transportation Authority. I mention it because I wanted you to remember the Greater Toronto Services Board, and I also wanted to remind you that Monsieur Chong said that this board, the one he served as chair for, should be disbanded. Why? Because it had no authority to do anything.

**Hon. Mr. Colle:** Gordon?

**Mr. Marchese:** Gordon Chong. He said, "Let's disband it." He was the chair. So frustrated was he at not being able to do anything because he had no powers that he finally said, "We've got to disband it." He's a good guy, Councillor Mike Colle. He joined you for a long time.

**Hon. Mr. Colle:** But he was a dentist, an excellent dentist.

**Mr. Marchese:** He was a dentist, and an excellent dentist, I have no doubt. Mike Colle knew him as a colleague at Toronto city council, both well-known and with a lot of experience in municipal affairs. He said, "Look, we've got to disband it. It's not doing anything useful." He was willing to disband it even though he was getting, I suspect, good bucks. Most people who are paid the pecunia, the grana, the green stuff would stay on that kind of board forever. If it pays well, people would like to stay on for as long as they could. But not Gordon Chong. He said, "We should disband it." He was right to do so, because if you have no power to do anything, it's best that you simply send it away into a quiet death.

Let's see what we've got now. Here's what we've got:

"With considerable fanfare, the Ontario Transportation Minister Harinder Takhar announced last week the creation of a Greater Toronto Transportation Authority to plan public transit from Hamilton to Oshawa."

Some people say, "There has ... been a need for a single, central authority to oversee and coordinate the jumble of separate transit systems serving this area, including GO Transit and the vast Toronto Transit Commission." That's what some people say. Others say—"The government line—at least—is that a body that sets transportation policies from a regional point of view can"—get this—"curb sprawl, create efficient transit, save money by buying buses in bulk and tackle the congestion issue that drains about \$2 billion a year from the local economy."

The "GTTA will bring the province together with municipalities to develop a seamless and integrated transportation plan for road, rail and transit," declared the Minister of Transportation.

"We know that anyone who has attempted to move across transit jurisdictions within the GTA can attest that the system is balkanized, inefficient and serves as a deterrent to moving people out of cars and into mass transit. We are all familiar with the \$2 billion per year that the present traffic gridlock strips from the GTA economy. This is no small sum, and institutional reform is certainly necessary to reduce it."

We agree. I recall some of the promises that the Liberals made before the election. They said, about the GTA, "An immediate priority for the GTTA will be to

establish within 18 months a seamless, integrated ticket system that will allow users to move easily across the region with one single ticket."

What we know is that they said that the GTA would have a single fare card in existence within 18 months of the legislation being passed, yet government estimates state that full implementation across the GTA will not be in place until 2010. It's a far cry from the Liberal promise that within 18 months we would have one single fare card. Remember, this has been announced in three budgets.

*Interjection.*

**Mr. Marchese:** Oh, that's right: in two throne speeches, and on numerous other occasions. And we've been waiting for something that would be effective for a long, long time.

Here's another promise: "The new GTTA will be given the clout and resources to tackle gridlock and ensure free movement of people and goods in a rapidly growing region." I know the member from Huron-Bruce would remember this promise, because this promise says they will have the requisite resources and clout to ensure a strong regional transit system. The member from Huron-Bruce, who shares my birthday today, will remember that promise. She and I were hoping that the government would be able to give the clout and the resources to this GTTA to allow it to accomplish all of the objectives they set out before the election.

What have we got today? We've got a board that reminds me of the Greater Toronto Services Board that Gordon Chong, the former chair, said we should disband because it has no clout and it has no resources. It has no clout. Ah, but it has the clout to persuade; that's a lot of power. No power, but it has the power to persuade. I'm not sure whether the member from Huron-Bruce thinks that the power to persuade is powerful enough for this GTTA to be able to do what it wants to do, to be able to do what the government wants it to do. How can it do anything if it doesn't have resources and has no money?

Ah, you say, but it can borrow money, right? It can borrow money. Well, how is it going to pay it back? How is it going to raise it?

And so what does it mean to have a Greater Toronto Transportation Authority that mimics so poorly the former Greater Toronto Services Board, which can't do anything? We were hoping that this bill would soar like an eagle, but it's going to flop like a turkey. It's an empty vessel that cannot get anywhere. It's like a car without any gas in that tank. It can't do anything. So how can you be proud of this initiative?

I understand the fanfare. I understand that you want to make it appear like you're really going to deal with a whole lot of things, like curb urban sprawl, create efficient transit, save money by buying buses in bulk, yet it cannot force any local authority from the various regions to do anything, except perhaps persuade them to do something. Member from Huron-Bruce, you understand what I'm saying, I hope, because we've got something in common today. I'm not sure we have the same views, but we do have something in common today.



So what I want the government to do is to be bold, to show leadership. This bill has no backbone, and a bill without a backbone cannot be construed to be leadership by this government.

1900

Yes, of course there are a lot of municipalities that support this in the GTA, because it doesn't frighten anybody, because it doesn't do anything. It's likely not to do anything. And yes, the government and others can say, "Well, it's an initiative; it's an important step." Well, so too was the Greater Toronto Services Board. It was an important step but it went nowhere. And we've had to now create something different with similar powers—that is, no powers—and we're hoping that because it's a Liberal government, it might work differently than the one proposed by the Conservative government. I just don't see the difference. Perhaps the Liberal members, if they have the time, the inclination tonight to—even two minutes; I'm not saying 15 because that would be too much—but even two minutes to simply indicate to the member from Trinity-Spadina that what I'm saying is wrong, mistaken, that, oh yes, I am just too negative and that past experience by the Tories doesn't prove that a similar initiative by the Liberals wouldn't lead to something different or to something better. But please: two minutes to show, to tell me and the viewers watching, that this initiative by the Liberals is different, that it does have clout even though it has no clout; that it does have power even though it doesn't have any power; that it does have resources even though it has no resources. Please help me. And help the citizens of Ontario to understand why I could be so mistaken about this bill.

That is my contribution for the evening. I thank Mike Colle for mentioning my birthday today: 54 years today—it's scary—and getting older. Sixteen years in this chamber. My goodness. Thank you, Speaker, for your attention.

**The Acting Speaker:** The Chair extends the birthday greetings offered earlier to the member for Trinity-Spadina to the member for Huron-Bruce. The Chair also offers the suggestion to both members that despite the perceived drawbacks of growing older, it certainly beats the alternative.

Questions and comments? Further debate.

**Mr. Flynn:** I'm delighted to join the debate on a bill that, for somebody who has served in local politics for a long time, I never thought I'd see this day coming. I never thought I'd see a government that had the courage to actually bring forward a GTTA.

I suffered on council under the NDP government: lots of great ideas, no money, and drove us into debt. Then I sat under the Progressive Conservative government. They came up with this wonderful idea called the GTSB. It had a very compact 42-member board. It was given responsibilities for transit, transportation, social housing; anything under the sun was given to this GTSB, and it was supposed to solve all the problems we have in the GTA.

Some of us on council at the time said, "Why don't you ask this board to just get its mind around transit?"

Why don't you just ask this board to do a good job of implementing a seamless transit system within the GTA?" Many of us at the local level, and this is where this is going to impact the most—in the towns and cities around the greater Toronto area—most of us understood that the previous way of growth under the previous government, certainly under the Tory government, was that if you could get hydro to a house, if you could get sewers to a house, if you could get a street in front of the house and get some drinking water, you could build that house. It didn't matter that you were bringing new people to a community and there was no plan for new schools, there was no plan for new hospitals, there was no plan for roads, no plan for recreational facilities, ice rinks, and certainly what was most outstanding was that there was absolutely no plan for a transit system. Some of us said, "We need to change that. If we're going to grow and we know we're going to grow as a community"—and certainly this government has done a wonderful job with its Places to Grow initiative and actually managing and getting control of that problem we have when we're trying to tie services to growth.

There's a hodgepodge of services out there right now. You can look at the region of York. They're responsible for the transit system in a regional way. You can look at the region of Halton, and each town and city has its own transit system. So you really get a mishmash. If somebody is trying to get across the community, if somebody is trying to travel from Burlington to Etobicoke, they simply can't do it in a seamless way. They need to change. Or from Hamilton to Oshawa, for example; I don't know how long that would take you. I'm not even sure if you can get there, but certainly you couldn't get there in the seamless way that's envisioned by this.

We've got a \$1.3-billion investment in transit that this government is proposing. That's going to be used to purchase new buses. When you think about the provincial gas tax that municipalities had been asking for year after year—previous governments talked about it, but no one had the courage to do it—this government did it. Just those two major investments that this government has implemented to date have resulted in a reduction of about 18 million commuter trips per year.

People talk about the economic impact of congestion. Anybody who drives in from an area like Oakville, which I do quite often—the cost of congestion in Toronto these days is estimated to be about \$1.6 billion annually. I suspect it's actually far more than that and it's going to climb to over \$21 billion, if left alone.

Certainly what this is, in my opinion, and why I think it's so supportable, is that the provincial government is finally acting in a way that's in the best interests of all those people who live within the GTA, implementing a system that will grow over the years, that will be allowed to grow. It's a manageable size of board. It's an 11-member board. It's something that I think is going to do a lot of good for the local community. For those people who choose not to travel by automobile or to own an automobile in this area, it will still allow them to get



around. And it will then allow for further growth to continue in the areas that have approved growth plans in place. You simply can't allow our communities to grow without a proper transit plan in place, and that's something I really think we need to come to grips with.

Previous attempts at this have resulted in mayors, for example, arguing over whose logo should go on the bus. There's been resistance. There's been a little bit of a turf war, a little bit of empire protection perhaps, but what it hasn't resulted in is in a transit system that is seamless and something that is necessary for growth in the GTA.

I want to congratulate the Minister of Transportation on this wonderful initiative. Those of us who have been around local politics for the amount of time I have know how special it is, know how much courage it takes to implement a plan like this, and it's worthy of support of all members of the House.

**The Acting Speaker:** Questions and comments? Further debate? The member for Erie—Lincoln.

*Applause.*

**Mr. Tim Hudak (Erie—Lincoln):** Thank you. I thought that was my friend the Minister of Public Infrastructure Renewal applauding.

*Applause.*

**Mr. Hudak:** There we go. I was going to say—

**Mr. Flynn:** We've got to get a bus out to Lincoln. Do you have buses in Lincoln?

**Mr. Hudak:** No, we have no buses in Lincoln. Fort Erie has public transit and Port Colborne has public transit. The rest of the riding is without public transit.

I'm pleased to speak on this bill to create the greater Toronto transit authority. Mr. Bisson gave me the eye to make sure I didn't dally so much in my comments and got down to brass tacks. I was going to say at the very beginning, that this bill should actually be under the Minister of Public Infrastructure Renewal, coincidentally sitting here next to me, to get things done. Seriously, how many times has this thing been promised?

*Interjection.*

**Mr. Hudak:** Three, four times. I think my colleague across the floor who will remain anonymous is right. Three or four times at least it's been promised. The current Minister of Transportation would make an announcement, "The GTTA is coming soon. Just don't you worry about it. The GTTA is coming real soon to a neighbourhood near you," and we'd wait in rapt anticipation. It's like waiting for that extra year and a half it took for the Sopranos to get season 6 on to the air. It's finally here and the Sopranos has been good, but I'm not so impressed by this legislation.

*Interjection.*

1910

**Mr. Hudak:** No, I've talked about that today.

**Hon. Mr. Caplan:** James Gandolfini likes the legislation.

**Mr. Hudak:** I don't know—well, why would he like it?

**Hon. Mr. Caplan:** He does.

**Mr. Hudak:** The character of Tony Soprano is a Mafia leader, so I don't know if you want to say that he likes the legislation, unless he wants to move places quicker, I guess.

The point I was going to make is, if the public infrastructure renewal minister was in charge, this baby would have been out there a couple of years ago and we'd actually see some investments being made. But unfortunately, it's over at the "ministry of nothing happens," the Ministry of Transportation. Nothing's happening there. You can drive by the Chalmers headquarters and see nothing coming out of there in terms of legislation, unfortunately.

*Interjection.*

**Mr. Hudak:** Well, maybe you say so.

I'll make some quick comments about the GTTA legislation. What would be a good analogy? You know all the excitement about the new Star Wars movies, seven, eight years in the making? A lot of hype, a lot of special effects—they weren't that good. They're not nearly as good as the original three.

**Hon. Mr. Caplan:** Star Wars III was great.

**Mr. Hudak:** They weren't as good as the original three. So there was a sense of disappointment when the GTTA came out because, really, this animal is toothless. This animal is a toothless beast. There is no real decision-making mechanism here. There is no ability, in my view, to try to get projects through, to get projects funded. I don't think there is any true funding mechanism described in this legislation. Whereas if you had put it in the Ministry of Public Infrastructure Renewal, you could have matched up some of the growth planning. And the study is coming very soon.

**Hon. Mr. Caplan:** We're hoping.

**Mr. Hudak:** He's working hard on it. You could have matched that up with some funding mechanisms and actually made some investments in transit and in new highways. Instead, you have this toothless beast in the GTTA.

**Hon. Mr. Caplan:** Any highways in particular?

**Mr. Hudak:** I'm going to get to that.

*Interjection.*

**Mr. Hudak:** I know my friend from Peterborough is a big fan of the Toronto Star. No, it was Ottawa—Orléans who was talking there. I heard a voice. Ottawa—Orléans doesn't like the Ottawa Citizen but he likes the Toronto Star. Let me read you the Toronto Star editorial of May 1: "The GTTA cannot compel local transit authorities to do anything; it can only advise. It also has no money to put toward needed transit projects and no power to collect taxes.

"Rather than making a bold leap, Queen's Park is proceeding by slow degrees. Instead of creating a strong transit authority that could override established agencies, like the TTC, and decide how best to spend billions of mass transit dollars, the province has opted to start small."

With three years in the making of this legislation, you thought it might be something bold, something that you



could really salute, something that you would say, "Man, it was worth the three years' wait." But according to the Toronto Star editorial board, "the province has opted to start small."

Minister Takhar, in an interesting comment, says "There is a need to 'walk before we run.'" Holy smokes. It's barely crawling, let alone walking. Three years in the making, and a rather meagre piece of legislation in its vision has been brought forward.

Glen Grunwald of the Toronto Board of Trade, a wise man, working hard, great experience—

**Hon. Mr. Caplan:** He's very tall.

**Mr. Hudak:** Tall fellow, no doubt, and what he brings in height he also brings in weight to the table in his arguments on behalf of the Toronto Board of Trade. "We're concerned by the lack of strong financial tools that will provide sustainable revenue," said Glen Grunwald, president of the Toronto Board of Trade, which has long called for creation of a regional transportation authority." You'd have thought if you had any fans when the GTTA legislation was brought forward, it would have been the Toronto Board of Trade and Glen Grunwald. I think they actually pulled their support of a press release on this announcement because they were so disappointed with the lack of imagination, the lack of power in this bill.

"The authority will need sufficient funds to tackle major projects and create partnerships. The last thing we want to end up with is a great car that doesn't have enough gas in the tank." It's running on empty already. I added the "running on empty" part, for the sake of Hansard; his quote ends with the word "tank."

**Mr. Leal:** Any gridlock in Fort Erie?

**Mr. Hudak:** But there's gridlock in the Ministry of Transportation. That's the point I'm trying to make, I say to my friend from Peterborough.

*Interjection.*

**Mr. Hudak:** I remember being with Mr. McNeely on the finance committee doing some tours across the province. A number of us said that maybe if Mr. McNeely had taken over as Minister of Transportation, there would have been some teeth in this legislation.

*Interjections.*

**Mr. Hudak:** I think some of my colleagues agree.

"Instead, the government appears to have decided to leave the money for transit expansion with the operating authorities in the greater Toronto area, including the TTC, while the GTTA will make recommendations on how it is to be spent"—but simply recommendations.

What else can I tell you?

The Globe and Mail, Jeff Gray, April 25:

"During question period in the legislature, Progressive Conservative leader John Tory attacked the plans as just another layer of bureaucracy, saying the proposed legislation lacks teeth and is full of words like coordinate and plan.

"There's absolutely no powers in there, no language to get anything done," he said."

Mr. Tory is right: You've created a debating society, but I'm not confident that this structure will actually get projects in the ground.

"Mayor David Miller, who did not attend the news conference"—I think that's notable—"...poured cold water on visions from Mr. Takhar that the GTTA would quickly remove the boundaries to integrating public transit systems, such as removing the restrictions that keep regional transit systems from both picking up and dropping off passengers within Toronto's boundaries...."

"There are a number of obstacles to that kind of thing, including legislation and collective agreements.... That's not going to happen immediately. It's just not practically possibly," Mr Miller said."

So Mr. Grunwald is not happy and Mr. Miller is not happy.

Ian Urquhart had a very insightful column; my friend from Durham had pointed this out earlier: "Many Questions Surround New Transit Agency," Toronto Star, April 26. He asks some very, very insightful questions, as Ian Urquhart tends to do: "If so, whose view will prevail if there is a disagreement" among the elements of the GTTA? That's not clear.

"I put these questions to Takhar and he suggested the GTTA would use its persuasive powers to convince the TTC that one option was better than the other." Fat chance with this legislation.

"But Takhar also hinted that the GTTA might eventually get access to the federal gasoline tax" etc.

Urquhart concludes, "Essentially, the government has decided to create the framework for a regional transportation authority and worry about the details later." How true but how sad that in the third year of the McGuinty mandate, after announcing this three, four times, whatever, they still don't have these types of details worked out. It sounds like they had to rush outside the door, right? They wrapped the present nicely, but there's actually nothing inside the box.

"Toronto city council will appoint four of the 11 board members; the 905 municipalities, five; and the province, two," Urquhart adds at the end of his column, indicating the lack of confidence he has, as somebody who follows the issue quite closely, that the GTTA will actually accomplish what it has boasted to do.

I know my colleague the critic knows this issue very well and has spoken very eloquently on this and other transportation issues in the House. I won't belabour some of the points he made except my skepticism that the GTTA is anything more than a toothless entity.

**Mr. Gilles Bisson (Timmins-James Bay):** Aw.

**Mr. Hudak:** I don't mean to be skeptical, I say to my friend from Timmins. I think my friend from Timmins probably said similar things. As you know, the member from Timmins, whom I respect greatly and have enjoyed sitting with in the Legislature for a number of years, and I don't always agree on all the issues.

**Mr. Bisson:** I thought it was the greater Timmins area, though.



**Mr. Hudak:** There was something by the Minister of Transportation about running GO Transit to Kenora, in response to the question from the leader of the third party, which was rather interesting.

Let me as well make some comments about, sadly, the lack of activity at the Ministry of Transportation, as I have discussed. We all know what some of the problems are there.

The other project that we have seen absolutely no progress on—in fact, we have gone backwards—is the mid-peninsula corridor. Members here know that the mid-peninsula corridor would be a major artery of investment in tourism for efficient travel through Niagara, through Hamilton, into the GTA. It would help out those constituents in Mississauga as well by taking some of the pressure off the Queen Elizabeth Way. A needs assessment was done in 2001 that clearly demonstrated that the mid-peninsula corridor was needed. Terms of reference were being consulted upon. The next stage was their submission.

When the Dalton McGuinty government took office, one of their first moves, sadly, was to take that needs assessment study, done by Minister Brad Clark at the time, an excellent transportation minister, crumple that up, toss it out the window and start from scratch. Five years of work: lost. Lord knows how many millions of dollars were invested in those studies. All good studies, broad consultations, all tossed out the window. You know why? Because they couldn't make a decision whether to proceed with the highway or not. They're trying to hide behind more studies, at great expense to taxpayers, at great loss of investment to the people of Niagara and Hamilton, because they can't make up their mind.

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I have asked Minister Takhar over and over again about timelines, about his dedication to the project, and over and over again, a lack of answers, and over and over again, the goal posts are reset, so this project moves farther and farther into the future.

It is absolutely incredible for me to contemplate that here we stand in May 2006 and the terms of reference have not yet even been approved by the Ministry of the Environment. I can't blame them, because it took until—what?—December or January for the Minister of Transportation to even submit the things, despite the fact that the consultations had happened in the past, despite the fact that they'd been studied before and despite the fact that the terms of reference had been written years and years ago. But it took until December or January for the minister to submit them, and they still rest there at the Ministry of the Environment.

Minister Takhar, one known for not always keeping promises, told chair Peter Partington and the municipal leaders in Niagara, and I'm sure Hamilton as well, that by February they would be out and we would be moving ahead in 2006. Meanwhile, of course, it was 2001 when the needs assessment was done. Then February came by, February passed, no action. In March, the minister says,

"Don't worry, people of Niagara and Hamilton, don't fret, it will be in March." March passes, no progress. April passes. Now May. Delay after delay, broken promise after broken promise. I don't know what's happening at the Ministry of Transportation. Lord knows, they weren't working on this GTTA for three years. They've cobbled something together in the last couple of months to put before the House.

*Interjection.*

**Mr. Hudak:** I hope Mr. McNeely is pushing for it. I could really count on his support. I know he's from Ottawa, but I think he cares. I sense that he cares about Niagara and Hamilton. He wants to see that highway proceed. I would call upon him to put his full capacity as parliamentary assistant to the Minister of Transportation behind this project and move it forward, because it is shameful, it is sad and it is absolutely unbelievable that we stand here in the third term of the McGuinty government and no progress of note on the mid-peninsula corridor. Think of the loss of investment, think of the loss of jobs.

I know my friend from Brantford, who has seen the benefits of the Mike Harris government's initiative to expand the 403 to Brantford, is also a supporter of the mid-peninsula corridor.

I know the Minister of Public Infrastructure and Renewal is on his feet championing the mid-peninsula corridor. I thank the minister, who I know is a supporter of Highway 406, and call on him to continue using the power he has in cabinet to keep that four-laning south and make sure—please, I don't know if you sit beside the Minister of Transportation in cabinet, if you're close. Lean over to him, whisper and say, "Highway 140 should be the logical extension of Highway 406 south. Move that forward."

It's welcome. The people of Welland, Pelham, Port Colborne, and particularly Wainfleet and the western part of Fort Erie welcome the notion of four-laning the 406 to Welland and then to Port Colborne through 140, no doubt about it, but they're also wondering what happened to the mid-peninsula corridor. In fact, not only has it been stopped, it's been put in reverse.

**Mr. McMeekin:** You blew it.

**Mr. Hudak:** You opposed it. My friend opposed the mid-peninsula corridor—

*Interjection.*

**Mr. Hudak:** I'll say to my colleague that I think he knows that the Richmond landfill decision was actually finally won by the government. So I don't know of what the member speaks, but I know you opposed the mid-peninsula corridor.

*Interjection.*

**Mr. Hudak:** I say to my colleague—

*Interjection.*

**The Acting Speaker:** The member for Erie-Lincoln has the floor.

**Mr. Hudak:** I sense my colleague is similarly frustrated, like me, about the lack of action of the Minister of



Transportation. I can see that bubbling over here in the Legislative Assembly tonight.

I cannot believe—and I know my friend from Flamborough shares this—that they are actually saying at the Ministry of Transportation, “We’re not even sure if a highway is needed in the first place.” They’re not even sure if there’s a need for a highway in the first place. I know, maybe the member thinks we should go back to carriages. We’ll build a big tunnel under Lake Ontario. We’ll go back to trains. I don’t know where he gets these ideas from, but surely—

*Interjections.*

**The Acting Speaker:** The member for Ancaster–Dundas–Flamborough–Aldershot, kindly come to order. The member for Erie–Lincoln has the floor.

**Mr. Hudak:** Thank you, Mr. Speaker. The member seems to think the Minister of Transportation blew it, and he has. It’s been so many years that nothing has transpired on the mid-peninsula. I know I’ve made my point. I think I’ve solidified that pretty solidly. But the member is correct in saying it’s another screw-up by the Ministry of Transportation. It’s another sad thing. The GTTA is another—the scandals of the Chalmers Group. We don’t want to belabour that point, I think we all know, and the member for Flamborough I don’t even think stood in the House to defend the Minister of Transportation, if I recall, about the scandals of the Chalmers Group. So I think he’s right when he says that there are concerns about the way the Ministry of Transportation is conducting itself under the current minister.

*Interjection.*

**Mr. Hudak:** So as I’m concluding, to my friend from Brant, we are pleased finally to see some piece of legislation coming forward after promise after promise—

**Hon. Rick Bartolucci (Minister of Northern Development and Mines):** After promise.

**Mr. Hudak:** —after promise. But some significant disappointment, at least on this side of the House, and I suspect my friend from Sudbury, who fought the Minister of Transportation and said, “No way are you going to toll

Highway 69”—and good for you in fighting the Minister of Transportation for that wacky plan back in 2003-04. Thank God you fought him on that one.

But I will say that I hope through committee hearings on this legislation—and I know my colleague the critic, the member for Durham, will be pushing to actually make sure that this animal has some substance, because as it sits before us today, it is nothing but a toothless beast that will not accomplish what it sets out to do or purports to do. And it’s not just me and it’s not just my friend Monsieur Bisson. Even the Toronto Star, which usually will be a cheerleader for this type of project, is expressing significant discontent with the way this legislation has come forward into the assembly.

With that, Mr. Speaker, I thank you for your attention. I do hope the Minister of Transportation will move forward with the mid-peninsula highway ASAP.

**The Acting Speaker:** Questions and comments? Further debate?

Mr. Takhar has moved second reading of Bill 104. Is it the pleasure of the House that the motion carry?

All those in favour, please say “aye.”

All those opposed, please say “nay.”

I think the ayes have it. Carried.

Shall the bill be ordered for third reading?

**Hon. Mr. Caplan:** Speaker, I’d like the bill referred to the standing committee on finance and economic affairs.

**Interjections:** Agreed.

**The Acting Speaker:** So ordered.

**Hon. Mr. Caplan:** Speaker, I move adjournment of the House.

**The Acting Speaker:** Is it the pleasure of the House that the motion carry?

All those in favour, please say “aye.”

All those opposed, please say “nay.”

I think the ayes have it. Carried.

This House is adjourned until 10 o’clock tomorrow morning.

*The House adjourned at 1928.*



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**Thursday 11 May 2006**

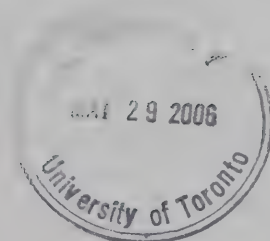
**Jeudi 11 mai 2006**

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 11 May 2006

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 11 mai 2006

*The House met at 1000.  
Prayers.*

## PRIVATE MEMBERS' PUBLIC BUSINESS

### ONTARIO WORKERS' MEMORIAL ACT, 2006

### LOI DE 2006 SUR LE MONUMENT COMMÉMORATIF DES TRAVAILLEURS DE L'ONTARIO

Mr. Ramal moved second reading of the following bill:

Bill 86, An Act to establish the Ontario Workers' Memorial / Projet de loi 86, Loi visant à ériger le monument commémoratif en hommage aux travailleurs de l'Ontario.

**The Acting Speaker (Mr. Ted Arnott):** The member for London–Fanshawe has 10 minutes for his presentation.

**Mr. Khalil Ramal (London–Fanshawe):** As always, I like to rise to speak on different bills and comment on different issues that arise and are debated in this place. Today I'm privileged and honoured to speak about, and debate with my colleagues, a bill which I've introduced for the second time. I had the privilege to introduce this bill on May 10, 2004. What a coincidence: Today is May 11, 2006, almost two years later.

This bill is not new to this place. It was first introduced by the late Dominic Agostino—many people in this place remember him—on May 21, 2003. That's why the first time I introduced this bill was in memory of my colleague, who died battling a disease he suffered from for a long time. I thought the first time that it was important to continue his journey as a fighter for the working people of this province. I didn't get the chance to pass that bill in the past, and I strongly hope that this time, this bill will see the light.

My bill is to establish a memorial for the workers who get injured and die in workplaces. It's important to note that almost 49 cities and towns across Ontario have such memorials to recognize the injured workers who died on the job. Many people have spoken about it in the past, especially since we just passed April 28, the International Day of Mourning for Workers. Many people, many unions and many workers celebrate that international day

to recognize the effort workers put towards building communities, especially in the province of Ontario.

Our government is doing its best to create a safe environment for all the workers across Ontario. They hired more than 200 inspectors in many different locations to make sure that all workplaces are safe. I was delighted when I heard the member from Hamilton East yesterday sponsor a bill proposed by three schools across the province of Ontario, in Aurora, Hamilton and Ottawa, to create a safe environment for the students, the kids who wish to work during their break time, to let them know the rules and to ensure that the rules are enforced, for them to be educated about their rights and not being taken advantage of.

As you know, many of our youngsters who don't know the rules are full of energy. They go full speed and sometimes hurt themselves, and sometimes they die. Our duty as elected officials in this place is to protect them. That's why I strongly supported that bill yesterday, like other colleagues, because it is very important to create awareness and make sure our workplaces are safe. That's why our Minister of Labour is working hard in his ministry to make sure, by creating posters and brochures in different languages—almost 19 languages—that we explain to people who cannot speak English or French their duties and responsibilities on whether they are facing some kind of hazardous material or unsafe location.

Despite all these preventative measures, we still see a lot of people die and get injured in the workplace. The people who work hard to build our cars, the people who work hard to build our buildings, the people who work hard in the hospitals to keep them functioning, the people who work hard in long-term facilities to look after our elderly in this province who are subject to many different diseases deserve our recognition.

That's why I recommend—and hopefully I'll get supported by all the members of the House—that we build a memorial outside this building. As I mentioned, there are 49 sites across the province, in different small and large communities. We have one in London and at Adelaide Street, where I had the privilege and honour to go, with the Minister of Training, Colleges and Universities last month, to celebrate the International Day of Mourning for Workers alongside the London and District Labour Council. But a small community does not attract as many visitors as this place. Every one of us sees buses and buses, thousands and thousands of people on a daily basis come to visit this place. Queen's Park has become a tourist attraction. It's very important to have a memorial here to teach our students, our visitors and the many



people who come to this place on a daily basis about the importance of the workers who died in the workplace.

I was listening to the honoured member from Davenport yesterday talking about the memorials that exist right now on the premises of this place, one to recognize firefighters, one to recognize the police, one to recognize the veterans who died in the line of duty. I think the workers in this province who died in the line of duty are equal to the people who died defending their country, equal to the people who died battling flames or putting a fire out, equal to the people who protected us from the criminals and thieves in this province. Without them, we cannot have those buildings. Without them, we cannot make sure that all our streets and roads are clean. Without them, we cannot have bridges and roads and highways. Without them, we cannot have functioning hospitals. We cannot have nursing homes functioning in the way we want: clean, looking after our elderly in this province. Those are people who work in the line of duty. They deserve all our attention and respect.

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I think it is vitally important to recognize those who give their lives, their skills, their talents to make sure we have a vibrant province. The people who work hard to continue building this province I think deserve some kind of recognition. The people who give their talent and skills to make this province the engine of the whole country deserve all that attention, especially many different occasions and ways to celebrate their productivity. Many people do quilts to commemorate those people who die or are injured in the workplace. Many organizations across the province of Ontario—we have one in London, done by Mrs. Hickman. She created a community, a place to help people who are injured, whose families are suffering from a lot of loss.

It's important to all of us to recognize those who give their life in order to continue building our province, to continue building our communities, the people who give their talents to help us to continue prospering in these communities. Whatever we do is not enough to recognize them. I think a memorial outside this place is a small token of recognition for the many lives, for the many people injured in this province of Ontario. We pass so many different bills, like accessibility bills to deal partly with people who are injured, who are in a wheelchair or mentally ill, to make all places accessible to them. We create and open hospitals. We do a lot of things to accommodate the many injured workers in the province, but we don't have a memorial in this place to recognize their efforts, to recognize their work, to recognize their abilities and their skills and also to remember their lives, because those people who gave their lives deserve from us all the respect and recognition. That's why I'm looking forward to seeing the support and, hopefully, this bill pass in the future. Thank you.

**The Acting Speaker:** Further debate?

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** I'm pleased to rise today in support of the private member's bill introduced by my colleague from London–Fanshawe,

Bill 86, An Act to establish the Ontario Workers' Memorial. The purpose of the bill is to require that a memorial be established in or adjacent to the legislative precinct of the Legislative Assembly here to honour the memory of workers who died on the job.

My colleague from London–Fanshawe has given a good history, which I did not really know about: that it was first introduced by his colleague and friend Dominic Agostino, who we tragically lost in the last couple of years. It's appropriate that this member is taking this bill forward in his memory.

You have to think that when you meet someone on the street and you ask them what are the most dangerous jobs in the country, you usually get firefighter or police officer; those may come to mind. But many people don't think of farmers, truckers, trash collectors. According to the department of labour, it's not public safety occupations that pose the most risk. It's interesting that when you frame that in your mind, you think of police officers, firefighters etc, but there are many occupations—I know construction workers were mentioned also—that just don't usually come first to our minds.

April 28 was mentioned as the nation's day of mourning. I know that in Lindsay in the riding of Haliburton–Victoria–Brock, they had a memorial service for the National Day of Mourning. Representatives of a growing number of concerned citizens are at these events to reflect on the lives and the communities affected by occupational injuries, illnesses and death.

According to the Ontario Workplace Safety and Insurance Board, in 2005 there were 562 total reported worker fatality claims and 357,555 total reported claims for injuries and occupational disease. We know that this is just the tip of the iceberg, as researchers point to extensive underreporting of occupational injuries, diseases and death. Here in Ontario, thousands, perhaps tens of thousands, die annually from cancer and other diseases caused by workplace exposures years, even decades, later. Worldwide statistics are equally alarming and are on the rise, with more than two million worker deaths, 1.7 million of which were victims of an occupational disease, 160 million new cases of work-related illness, and 268 million non-fatal injuries.

Technology innovations, health and safety training and education have all significantly reduced workplace fatalities over the years here in Canada. Workplace fatalities were commonplace way back in my grandparents' day. So I'm happy to see that we're being more preventive and taking more precautions in each of the industries that have been listed. We need to move forward on that. In 2005 in Ontario alone, 80 workers lost their lives on the job.

Some occupations are high-risk and workers entering them recognize the risk involved. Certainly, when I became a nurse, which was my previous profession before I turned to politics, I never looked upon it as a high-risk profession, but statistically it is. It's incredible, and it's on the rise. In 2004, for example, I think over 6,000 health service professionals were injured or killed



on the job. You're subject to many things that people don't normally think about, like aggressive patients; you mentioned diseases, and the SARS outbreak was the most recent where a nurse died; also needle sticks, lifting. It's incredible when you think that those are just some of the things that are encountered in nursing.

Farming is another profession very prominent in my riding. A lot of people don't think of it as high-risk, but it's a very high-risk business: exposure to pesticides; power takeoffs with large machinery, where clothing gets tangled. People get caught up in bailers; they drive large machinery on the roads. They even have an increase of skin cancer because they're outside so much. That's just not thought of most commonly. Farm children certainly are at risk too, where you have a lot of big machinery, big tires, and you can't see the children who are close by. I know in the last two weeks we lost one of our close family friends in a farming accident. He was a gentleman who had been around farms and machinery all his life. Things happen; it's just the nature of the job and what they're exposed to. I think those things need to be brought forward. There's unpredictable livestock. It's incredible. You just don't know what's going to happen around the corner.

There's a lot more we can do in training and occupational safety so we can prevent these statistics from rising. I was happy to see that there's a young worker awareness program, and the goal there is to give the health and safety awareness you need to protect yourself and your fellow workers. These types of programs are exposing our young children to how to be more careful in the workplace. It's incredible to say that 42 young Ontario workers are injured, made ill or killed on the job every day. This site, [Youngworker.ca](http://Youngworker.ca), contains health and safety information for young workers. Young workers are considered part-time or full-time and between 15 and 24 years of age. It's done by the Workplace Safety and Insurance Board.

1020

Those are the types of programs that I think we need to encourage out there and to also educate as much as possible. I worked as a nurse. I know that training for occupational health and safety has increased greatly. I know that other professions have done the same.

The member from London—Fanshawe has brought forward a very worthwhile bill. He underlined the importance of workers to the building of our communities and our future. As members of the Legislature, we should all support his initiative to build a memorial that will be close by to the Legislature, as has been done for firefighters and, most recently, the veterans out there.

I encourage support of this bill and look forward to other debate in the Legislature this morning on this.

**Mr. Gilles Bisson (Timmins—James Bay):** First up, I want to say, as we did the last time, that New Democrats will be supporting this bill. We think it's high time that in this Legislature we recognize injured workers, diseased workers and workers who are deceased as a result of their employment. There's no better way of being able to

demonstrate that, for us as legislators, than providing a memorial here at the site of the Parliament of Ontario where workers would be able to gather every year, as they do everywhere else across this province, on April 28 to commemorate injured workers, diseased workers and, unfortunately, far too many workers who are deceased as a result of their employment.

I want to take this to a little bit of a different take because it gives me an opportunity to talk about the rules that exist in this province in regard to health and safety and about workers' compensation.

There's no better memorial, in my mind, for injured workers or diseased workers than to have better legislation. I understand what the member's trying to do. It's very symbolic, and I appreciate and support what he's trying to do, but I think he'll agree with me that what we really need are rules and laws in this province that are tougher on the issues of health and safety and that properly deal with workers' injuries, both from the perspective of trying to prevent them by way of better health and safety legislation, a better workers' compensation system that employers understand is a deterrent. A deterrent from having injuries is to charge WSIB assessments, and if the WSIB assessments are too high, then employers will take health and safety much more seriously.

I want to talk about a couple of cases that I've dealt with over the years. First of all, I come out of the mining industry. I worked in the mining industry for a number of years, starting back in 1975 when I left the armed forces. It has been my observation, as a worker and eventually as a representative of the Steelworkers' locals that I was a member of, that no employer really has been taking the position of embracing health and safety and safer workplaces unless they've been dragged kicking and screaming, as my good friend Moses Sheppard used to say. Nobody jumps out of the boardrooms of Bay Street, Montreal, Vancouver or wherever it might be, saying, "We want to do all these wonderful things for workers when it comes to a safer workplace," because at the end of the day those things cost money.

I'm going to acknowledge that there has been a change of attitude in the boardrooms across Canada and Ontario over the years that I can observe. I look back to when I first started mining in 1974-75. Some of the conditions we worked in, quite frankly, were kind of atrocious. In some cases, especially the older outfits, conditions basically resembled the 1930s, 1940s and 1950s, just basic things such as washrooms underground. There was no place for men to go to the washroom on an eight-hour shift working underground. It was basically where you could find a spot. There was nowhere to wash your hands—just the very basics. The health aspect of being able to provide sanitation was something that was not even provided in many of the workplaces across this province.

In the lumber camps it was much the same story in regard to those who worked in the forest industry. It wasn't until unions, quite frankly—the Steelworkers in my case, IWA in others, and the Communication, Energy



and Paperworkers Union, or CPU, as it used to be called at the time. I remember, back in 1975-76, meeting at labour council meetings in the city of Timmins where union members were coming around the table saying, "We've got to get our employers to take seriously even the most basic things, such as the ability to have a place where you can have your lunch, so you can wash your hands, take the dirt off your hands and eat your sandwich without fear of contaminating yourself with whatever you've been working with during the day."

I remember going into bargaining at the time with one particular employer, because I used to bargain on behalf of the Steelworkers, where there was a huge resistance on the part of the employer to allowing even the most basic things such as lunchrooms to be put in place underground. It wasn't until the union made it a condition of the contract that in fact the employer relented and put in place what needed to be put in place as far as basic lunchrooms. Now, I don't think that would happen in today's workplace, because we've had changes to the health and safety legislation where that is mandated, and employers today take their responsibility very seriously. But go back 30 years, back to 1975-76, and that was not the case. My point is that it was workers—it wasn't this Legislature—who, through their unions, fought and got the most basic things inside the workplace, such as a lunchroom.

I also look at the issue of accidents in the workplace. It was very common, when I worked in the mining industry in the late 1970s and early 1980s, to hear of injury and see injury on a weekly basis—sometimes on a daily basis. I worked in a number of different mines in what they used to call the Porcupine camp. You would hear about or see accidents on a very regular basis. Unfortunately, death was something that was far too common as far as accidents within the forestry and mining industries back in the late 1970s, when I was in the industry, and the early 1980s.

Again, it wasn't this Legislature that decided to do something about it; it was workers. I think of workers like Omer Séguin, people like Moses Sheppard, Roger Ladouceur, Denis Carrière and a number of other people I worked with who made health and safety—Roger Toal was always a very big proponent of health and safety in one of the workplaces I was at, where we used to fight, day in and day out, with the employer and with the Legislature of Ontario in order to get the rules and the laws that we needed to make our workplace safer. Again, the Occupational Health and Safety Act didn't come out of nowhere. It was because of the Steelworkers in Elliot Lake in the uranium industry who said, "We need to have an Occupational Health and Safety Act that forces the employers to take the issue of health and safety seriously." It was only after the Steelworkers' humongous battle—and it was people like Omer Séguin in Elliot Lake; I worked with him later when he was a staff rep out of Sudbury—but Omer and a whole bunch of other people who worked in Elliot Lake and worked with Elie Martel, the New Democratic critic for labour, that they forced the then Conservative government to adopt health

and safety legislation in this province. We can tap ourselves on the back as legislators and say, "Oh, what a wonderful job we've done. Look at the wonderful Occupational Health and Safety Act." I remind people: It was workers who forced the provincial government to get this, and in this case in particular it was the Steelworkers out of Elliot Lake.

I look at the issue of workers' compensation. This is something we don't hear a lot about these days, I think for a very simple reason: The rules, as changed under the Conservative government of Mike Harris, make it virtually impossible for somebody to deal with a claim successfully if the claim has not been filed within a six-month period. I just want to make this one point: I got into politics as a result of my involvement in the union movement and specifically under workers' compensation. I did industrial diseases. I investigated and filed claims on behalf of the widows and families of miners who died as a result of working in the mining industry. Far too often, as we well know, a person doesn't know, until the onset of their disease—between the first contamination of whatever it is that affects the industrial disease and the onset of symptoms and eventually death in some cases—it doesn't happen until a latency of 10, 15 or 20 years. Under the workers' compensation rules of today, which were established by Mike Harris, you have to report an injury or incident within a certain period of time, and if you don't, you don't have the ability to file and the Workers' Compensation Board will not deal with you because they'll say that you didn't report it; too bad, so sad.

I sat across the table from many widows, from Timmins to Kirkland Lake, as I did their family histories in order to determine the conditions of the health of their husband who died and the circumstance that led to that death. Then we compared that to all of his brothers to see, if you had a group of miners and you compared them to miners' brothers who were not in the mining industry, what the difference was. We found that, on average, the mining brothers died, I think it was, about 11 and a half years faster than the non-mining brothers.

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Again, my point is this: We changed the Workers' Compensation Act in this province as a result of workers; in this case myself and people like Omer Séguin, Moses Sheppard and Ann Maftarak, who has passed away, a volunteer for the widows. We worked hard at identifying what the causes of the industrial disease, in this case lung cancer, were. We worked hard at putting together the case that eventually we brought before the Workers' Compensation Appeals Tribunal, and we lobbied with the New Democrats, at that time in opposition, to get the then David Peterson government to make the changes to the workers' compensation system so we could make compensation to those widows and families who lost their loved ones at very early ages. A lot of these men died in their 40s and early 50s as a result of working in the worst years of the gold mining industry, what we used to called the "dustiest years," back in the 1920s, 1930s, 1940s, 1950s and even into the 1970s.



I just say to members of this Assembly, it is fitting that we go forward with putting in place a monument by which we're able to remember the injured workers of this province, the workers that have been injured as a result of their employment, and those that unfortunately have died. No more fitting memorial can be done than for us to continue the struggle of making sure that we have rules in this province that provide for workers to be fairly dealt with when it comes to the issue of both accident and disease within the workplace.

I hearken back to something that was done away with under the Harris government that I think was a tragedy, and that was the Industrial Disease Standards Panel. There was, as a result of the work we had done in the Steelworkers—we had lobbied the David Peterson government through the NDP, Elie Martel and at the time Bob Rae—I think he's doing something else these days. Anyway, we successfully lobbied to create what was called the IDSP as a result of the accord from 1985 to 1987. The Industrial Disease Standards Panel was charged with looking at those cases of creating the criteria necessary to recognize, first of all, is a disease related to the workplace, and if so, what should be the criteria for compensation? Our thinking within the Steelworkers is that if we're able to effectively compensate people that are diseased as a result of their work experience, that is not only fair for them but it'll create pressure on the employer to clean up the workplace. Our ultimate goal is not to have one diseased worker and not to have one injured worker in the province. It's a hard one to get to, but certainly we need to strive towards that.

My point is that that was done away with under the Harris government. I always thought that was one of the most short-sighted things they had done. It was one of the first things they did when coming to government. I look at this government and say it's something that we should revisit as bringing back, because there are still problems within the workplace. We take a look at esophageal cancers that are created within the workplace. We take a look at some of the professions, such as firefighters who are in harm's way when walking into a burning building with a toxic chemical burning in the building. We look at smelter workers, we look at refinery workers, we look at workers in the construction industry. There are many examples of people that are still being diseased. We need to get to the bottom of it in order to prevent those types of diseases from occurring as a result of somebody's workplace.

I also just want to end on this note with something I was hoping I'd have a bit more time to get into, and that's the workers' compensation rules. We all of us have done a lot of workers' compensation work on behalf of the constituents in our ridings. One thing that always astounds me is that—we just, for example, yesterday got word that we won a particular appeal that we had in regards to a particular individual with white hand, and white hand is vibration-induced. My point is that this particular claim is one that's been ongoing for the better part of around 15 years and came to my office about four or five years ago.

It is amazing the amount of work that we have to do in order to be able to finally win a claim on behalf of a worker who's entitled to something as a result of their exposure to the workplace. This particular claim was rejected categorically by the Workers' Compensation Board. We went through all the hoops, loops and jumps that they put in front of us to finally today they basically saying, "Well, given that there's"—they're going to give this worker the benefit of the doubt because we presented the evidence in such a way that they had to come to a positive conclusion. My point is, why should workers, members of the Assembly with their staff or legal clinics have to go through five, six, seven and sometimes 10 years of adjudication with the Workers' Compensation Board to give an injured worker what the heck he or she should have been entitled to in the first place?

I've got another claim that I won for a woman. She lost her husband at age 47. He was an Italian immigrant. They said they wouldn't compensate him for his lung cancer because he had come to work in Ontario at age 31; the criterion was you had to have started at age 30. Luckily for me, we were able to find a chest X-ray to prove that when he emigrated from Italy he had a clean chest X-ray, the point being it took six or seven years.

We finally won at the Workers' Compensation Appeals Tribunal—a very long story; it took five or six years—and then they awarded us the claim without quantum, meaning no money. I had to go back to the Workers' Compensation Appeals Tribunal for another two years to get them to award the money. Finally, they compensated the widow. But why should this woman who lost her husband to cancer as a result of his working underground have to go through what eventually took about six years to resolve, let alone whatever happened before she came to my office? Because I'm sure she was dealing with others before she came to my office.

My point is that workers far too often have to go through extraordinary struggles in order to get the most basic of things recognized when it comes to their entitlement under the workers' compensation laws or whatever laws are applicable to them. I support the member in what he's doing with the monument, but I challenge members that there is no better tribute, no better memorial to a worker, than to have rules that give them justice while they are still here and able to benefit from whatever those rights would be.

So I commend the member for bringing this bill forward, but let's resolve to challenge ourselves in order to do what is right and make life a little bit easier for workers in this province when it comes to how they get compensated because of injury or disease, and make sure that our workplaces are safe so that we prevent workers from being injured or diseased in the workplace.

**Mr. Dave Levac (Brant):** Speaker, I wish I had 20 minutes. I have shared times, so I'm only going to get a few minutes.

I want to do a couple of things first, before I get into the body of my speech. I want to accept the challenge from the member for Timmins-James Bay. I think he's



absolutely bang on. We want to make our workplaces as safe as we possibly can, to avoid having to use a monument. But, having said that, I want to accept his challenge, his personal perspective, his personal experience, and the history he provided to us, the perspective that he has provided. I think it's a valuable exercise, and it was heard. I want to make sure he understands that. I think every successive government has made an effort to make our working Ontarians as safe as possible.

The member for Haliburton–Victoria–Brock provided us with her perspective in terms of the various ways in which we can protect ourselves as well, and within her own profession of nursing, because I did mention and signal to her that it's actually on the rise, and unfortunately, we need to correct that as well. So we should be accepting those challenges when we talk about this particular bill.

I also want to make one point that I harp on all the time, and that is that this is private members' time and business. I want to welcome all of our guests to the House and explain to them that you will hear very little partisan discussion, because it's private members' time, where we remove the shackles of our parties and talk about each individual bill and its merit—not a government-sponsored bill, but one where private members present from all sides have an opportunity to speak to us. I only have a few minutes, so I'm going to try to be specific, but welcome, and watch and learn about how the private members speak to each other during this particular time versus question period, where you can actually get turned off.

Quite frankly, I'm very proud of this moment and this time, because we have passed private members' bills. We do pass them from time to time, and the ones that we pass speak to what Ontarians want to speak about. That's the one point. I'm going to encourage us all to use these opportunities to do that.

I've spoken in the past about bills on this type of thing. I was, behind the scenes, very, very supportive of the police memorial that was passed by the previous government. I was somewhat instrumental in passing the Firefighters' Memorial Day Act. That was a private member's bill that was mine. We passed it, memorializing our firefighters who have lost their lives in the line of duty. So, quite frankly, I'm very supportive of this bill.

I want to thank the member for London–Fanshawe for bringing forward to us an opportunity to, one more time, speak to safety. No one has a monopoly on wanting to keep our workers safe, so I would suggest to you very clearly that this is an opportune time for us, as private members, to speak to the very issue that is in front of us today, and that is to memorialize those who have been injured or killed, unfortunately, on the job.

The most dangerous job on the planet—they did a show, and now it's actually a regular show—is that of an Alaskan crab fisherman; per capita, more people die and are injured than in any other job on the planet. Those are workers. Those are people who make good money, but they risk their lives. And what does that say? They've got

memorials in Alaska for the lost fishermen, and that's what we are talking about today.

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In Ontario, do we have an opportunity to honour those families? Absolutely. I'm very supportive. On the National Day of Mourning in April, I rushed home from an event in London to be there on time at Fordview Park to pay my respects to those people who have lost their lives and been injured in my riding and ridings across the province. It is the right thing to do. Does it answer what the member from Timmins–James Bay spoke of specifically? No, it doesn't. But what it does is that it elevates us to continue the debate and the challenges he's laid out for us to improve the circumstances for all workers. I support that as well. We will be discussing those things in all our caucuses: Are there things we can do in legislation to improve the life and the safety of our workers in the province of Ontario?

I've got a page full of all of the statistics. I'm not going to go through them, because I don't have enough time, but I will say that yesterday we debated Bill 95, the Employment Statute Law Amendment Act by the member from Hamilton East, who took the place of the member who brought this private member's bill forward, my friend Dominic Agostino. The late Dominic Agostino was well known in this province as an advocate for the workers, and to him, I want to dedicate this discussion, when we do decide to put this memorial up, and I want to dedicate it at least to the memory of Dominic as well. He saw that. He fought tirelessly for them.

I want to make one last point in terms of what we are trying to accomplish. Ontario does have the safest record for safety on the job in all of Canada. We need to do more. I think we should do that. Let's use this as the springpoint where we can improve worker safety completely.

**Mr. Norm Miller (Parry Sound–Muskoka):** It's my pleasure to join in the debate this morning in private members' business to debate Bill 86, which is An Act to establish the Ontario Workers' Memorial. It's been put forward by the member for London–Fanshawe. This bill would establish an Ontario Workers' Memorial either here at Queen's Park or somewhere nearby Queen's Park.

The preamble of the bill really says it all. It's about recognition of Ontario's workers that have given their life on the job: "Ontario's workers are the lifeblood of this province's economy. Their talents and skills have made Ontario the most important economy in this country, thus contributing to Canada's becoming one of the best performing economies in the world. Our day-to-day lives are touched by Ontario's workers, whether it be by the cars we drive, the food we consume, the buildings that house us or the streets and roads that pave our province's way to success. Unfortunately, many of this province's workers have been lost to accidents while on the job. Ontario has become strong based largely on their efforts and therefore we should recognize those whose lives were lost in making this province great. The Legislative Assembly believes that it would be appro-



prate to establish a memorial to honour those workers who have made the ultimate sacrifice.”

That’s really what this bill is about, and I support the construction of the memorial as proposed in the act. I note, as was noted by the member for London–Fanshawe, that there are other memorials, most erected in the last couple of years and some in the process of being built right now. In particular there is the Ontario Police Memorial; that was dedicated in 2000. It was put forward by the past government. In fact, just last week they had the dedication ceremony, on Sunday, May 7. I’m sad to say that the one name that was added to that memorial this year came from the riding of Parry Sound–Muskoka, and that was Andrew Potts, who was killed while working last summer. He and his partner, Matt Hanes, were going to a call in the middle of the night on Highway 169 between Gravenhurst and Bala; they hit a moose on that highway and, tragically, Andrew lost his life. He was recognized and his name is now on the police memorial. And of course just this past week saw another police officer, John Atkinson of Windsor, killed. His will hopefully be the only name that will be added to that in next year’s ceremony here at Queen’s Park.

We also have the firefighters’ memorial. That was committed to in 2002, and I believe it opened in 2005. It is to recognize firefighters who lost their lives and died in the line of duty. It’s also located right here at Queen’s Park.

And just being built now right in front of Queen’s Park, we also have the new veterans’ memorial, which was once again committed to in 2002. It takes a while for these things to happen. It’s just in the process. The area is barricaded off. It’s being built right now, a very fitting memorial to honour our veterans.

Actually, this past weekend in Parry Sound–Muskoka, I also had the pleasure of participating with the local Bracebridge Legion for their annual Flag Day ceremony. On Sunday, a number of veterans and Legion members went out to the Bracebridge memorial cemetery where a service was held, and then, after that ceremony, a banquet was held to remember those who have given their lives in wars, fighting for the freedom of Canada. So I was very pleased to attend that ceremony.

This memorial that’s proposed is for workers. I know Frank Klees had wanted to speak today, and I’m sure he probably would have mentioned the Safe Communities Foundation. Paul Kells, the father of Sean Kells, who was killed in 1994, has gone on to create the Safe Communities Foundation, to work towards improving safety in the workplace.

I’d just like to tell you a little bit about Safe Communities Foundation. It’s a national, not-for-profit, charitable organization dedicated to making Canada the safest country in the world to live, work and play. The Safe Communities network currently includes 48 safe community coalitions, covering approximately 23% of the total Canadian population. The goal of the the foundation and all participating safe communities in Canada is to eliminate injuries while promoting a culture of safety

through the implementation of programs and education. That’s been the result of the hard work of Mr. Paul Kells, and I’m sure he was motivated because of the tragic loss of his son, Sean, who was killed on the job in 1994.

Certainly I think our efforts have to be geared towards doing absolutely everything we can to prevent injury, and to prevent death especially, in the workplace. The stats show that in 2005 there were some 300,000 workplace injuries and over 80 people were killed on the job in Ontario. That’s from the WSIB. I think that’s shocking. I understand we have the best record, but still it’s not good enough and we need to work towards improving it. So I commend Mr. Kells for the work that he’s doing with the Safe Communities Foundation.

The member from Haliburton–Victoria–Brock talked about farming being a dangerous activity. I would totally agree with her on that. It’s a line of work that involves heavy machinery and not necessarily controlled situations. She specifically mentioned power takeoffs. I’ve had my own brush with power takeoffs, so I can attest to the fact that you have to be awfully careful around them. We have many other industries, like forestry and mining, which naturally have a high element of risk, so we have to do everything possible to make the workplace as safe as possible.

I support the introduction of this bill and the new monument that’s proposed here at Queen’s Park. Thank you.

1050

**The Acting Speaker:** Further debate?

**Mr. Tony Ruprecht (Davenport):** Permit me to first congratulate the member from London–Fanshawe for introducing Bill 86, An Act to establish the Ontario Workers’ Memorial.

This week indeed is very auspicious, because we had some students come in here from three different schools. That was Bill 95. It was introduced by Ms. Horwath. Essentially, the bill pointed to improving young workers’ health and safety and to ensure that they understand clearly the hazards they will face on the job once they begin to work.

I’m reminded of a story of one of our great union leaders, Mr. Antonio Dionisio, who in 1954 was digging a trench for the Toronto subway extension. The walls fell in. He escaped with his life, but many of his crew were injured.

I was working on Vancouver Island with the loggers, who are famous on that island, and for the first time in my life I saw a severed hand. When you see the blood and the gore first-hand, you know that safety must be a priority.

The statistics are clear. In 2004, for which we have statistics, 277,422 people were injured on job. Out of those, 49,000 were young people who were on the job pretty well for the first time. Seven of those 49,000 died. Between 1999 and 2004, we had 1,697 people dying on the job. Obviously, these kinds of statistics need revision. These kinds of statistics do not speak well of our record, yet our record is probably one of the best in the indus-



trialized world. But for Ontarians and for us today, this is simply not acceptable.

Their deaths remind me of the monuments that some members have spoken of before, and I mentioned them yesterday. Over here, just off to the east, we have the memorial to the police personnel who gave their lives in the line of duty. When you see a criminal point their gun and shoot point-blank at police officers, these kinds of statistics, these kinds of accidents, simply cannot be avoided—they are not really accidents.

Just over here to the south, on the corner of University and Queen's Park, at College Street, we have another memorial. That memorial is to the firefighters. When you see a firefighter, you understand that he or she will give their life to save someone else; when you see and hear a crying baby in a fire-engulfed building or a bigger edifice, you know that the fire personnel will give their lives to save the kids. Those are not accidents, no matter how careful you are.

Just to the south of us here, as we speak, we're building a monument to the veterans who gave their lives in the great wars, and also to those who just lost their lives, in fact, in Afghanistan, in Kandahar. They were blown up by a roadside bomb. That incident and the loss of those lives cannot really be called an accident. They gave their lives in service to our country, and in service to freedom and democracy.

Today, we're specifically talking about workers. We know that if we can—with this Bill 95 that the member from London-Fanshawe introduced—simply say yes, through this monument, through our participation here today and through the participation of all the workers, if we can save one accident, if we can save just one life, then we can say today that we have done our job.

To all Ontarians, especially to those who are today working in their specific construction industry or wherever they may be working, we simply say, "Be careful, know your rights and try to improve working conditions." If they have no accidents, we have done a better job, because fewer accidents mean better working conditions, and better working conditions mean a better Ontario in the end.

**Mr. Lou Rinaldi (Northumberland):** One of the opening remarks we always make is that it's great to speak to a new piece of legislation or a new bill. Unfortunately, I have a hard time saying that, although I must say from the outset, this bill introduced by my good friend and seatmate from London-Fanshawe is truly one of those things that makes us reflect on some of the folks who lost their lives, and we don't want to forget that. So a monument will certainly be appropriate. From the outset, I must say that I'm fully supportive of this and I'm sure every member in the House is.

As I mentioned, it's kind of hard that we are here debating a bill to establish a memorial for people who lose their lives. People should not lose their lives because they get up in the morning, or in the evening, whatever shift they work, and go to work and don't come home. That should not happen. As legislators, as previous

speakers have mentioned, maybe we need to work hard so those things don't happen.

Just in the last couple of weeks we recognized the federal labour council's National Day of Mourning. I had the opportunity, as I have for the past seven or eight years, both as a municipal politician and now here in the province, to celebrate with folks from the Northumberland federation of labour the day of mourning in Cobourg.

I remember when we first started that. We did it in front of the county building in Cobourg, just on the sidewalk. These folks worked so hard, we now have a memorial in Cobourg to honour the folks who lost their lives in their workplace. But it's not just a memorial, it's a park, right on the northern shore of Lake Ontario. It's a beautiful setting, I guess the best possible setting where one could celebrate those moments.

But wouldn't it be great—you know, I hear London has one; I'm sure other communities have one. We have one in Cobourg for the whole county of Northumberland. But wouldn't it be great if we had a monument somewhere around these buildings here at Queen's Park where we could honour all the folks who lost their lives right across the province.

It's not new, the saying "An accident is only a word until it happens." Many times we say that in passing, without a lot of feeling or a lot of meaning behind it. But if we stop and think for a minute—I had the opportunity to visit some families that lost their loved ones through the workforce. A couple of years ago, a policeman in Cobourg lost his life. It was a real challenge. We cannot imagine—I know we say we understand their feelings and we understand how they feel. I think we're lying when we say that, because unless you experience it—it must be difficult. There's no warning. It's not from a deadly disease that we can't cure. It's not from something that's expected. These people got up in the morning, left their homes, left their families and went to work, and they didn't come back. If that were ever to happen to any members of my family, I have no idea how I would handle it.

The member for London-Fanshawe is trying to heighten that awareness today. The more we're reminded of these accidents, I really believe we can prevent them. As a society, we can prevent workplace accidents and some that end up in people losing their lives.

Having a memorial, yes, remembers those people who lost their lives, but I think it will also heighten our awareness as Ontarians, as legislators, everybody, to try to work towards the prevention of that word "accident."

It's great to debate this, and I now look forward to a vote and to passing this bill along.

**The Acting Speaker:** The member for London-Fanshawe has two minutes to reply.

**Mr. Ramal:** First, I want to thank the members for Haliburton-Victoria-Brock, Timmins-James Bay, Brant, Parry Sound-Muskoka, Davenport and Northumberland for speaking in support of the bill.

Every speaker brought different perspectives to this debate, but all of them together put a lot of emphasis on



creating safety in the workplace. Safety in the workplace is the most important thing, to prohibit accidents from happening.

Despite all the mechanisms, laws and procedures we put in the workplace, accidents will happen sometimes. I know all governments over the years have worked very hard to establish and make procedural mechanisms to protect workers in the workplace, creating safety for all the people who decide to go to work, so they can come back home to their families and enjoy their lives. But despite what we do, accidents happen, people are injured and people die.

That's why I'm asking this House and all the members from all the different parties to support a recognition of the people who died and to support this bill to establish a memorial outside this House, a monument to recognize the people who work hard for us and give their talents, skills, ability and youth to keep our province alive and vibrant. This bill is only a recognition, a small token for the people who died.

I want to echo the member from Brant, who talked about the late Dominic Agostino, a fighter for workers across the province of Ontario, that this bill be a memory of his departure from this place. Thank you.

**The Acting Speaker:** That concludes our debate on ballot item number 35.

1100

## DISCLOSURE OF CRIMES ON PROPERTY ACT, 2006

### LOI DE 2006 SUR LA DIVULGATION DES CRIMES COMMIS SUR DES BIENS

Mr. Sergio moved second reading of the following bill:

Bill 40, An Act respecting the disclosure of information about crimes to purchasers of land and to tenants /  
Projet de loi 40, Loi sur la divulgation de renseignements sur les crimes commis aux acheteurs de biens-fonds et aux locataires.

**The Acting Speaker (Mr. Ted Arnott):** The member for York West has 10 minutes for his presentation this morning.

**Mr. Mario Sergio (York West):** Before I begin, let me introduce in the members' gallery Detective Sergeant Jim Qualtrough from the Toronto drug squad and Mr. Anthony Samotus from the Toronto Real Estate Board, accompanied by my EA, Mercedes Zanon as well.

I'd like to acknowledge my colleague from Cambridge, Gerry Martiniuk, who not too long ago introduced to this House for the first time a similar bill on grow ops. I would like to say thank you for bringing this matter forward, about which I know he shares some considerable concern.

The purpose of this bill is to provide protection and safety for the people of Ontario in an area of concern that is becoming more widespread as we speak. Bill 40 provides that a vendor in an agreement of purchase and

sale and a landlord in a tenant agreement must disclose to the purchaser or tenant whether the property that is the subject of the agreement has been used to commit a crime during the time the vendor or landlord had a legal interest in the property. Let me say at the outset that the bill as it is does not answer all the questions or cover every detail, but it must be seen as the beginning of a debate with the aim of seeking wider input, recognizing that there is a real problem that must be addressed; that we send this forward to go into our community to hear what groups and individuals have to say and let the appropriate committee bring back to the House a final paper that provides fairness, peace of mind and effective consumer protection.

Some 50 or 100 years ago, perhaps in a more vintage Victorian era, we had no grow op problems. People were dying in their homes, and yes, that was normal, acceptable. Even today it is normal and acceptable for people to die in their own homes—the 21st century is here—as a right. We now have hospices and long-term-care homes, where many of our senior people find final rest during their journey.

Today we have grow ops in residential homes and horrific murders and other vicious activities that take place as well. As a result of these actions, today too many consumers are left traumatized and in despair. I think it's quite appropriate, then, that an agreement to purchase and sell or a lease or rental agreement contain a disclosure of such an activity having taken place.

In 2005, Toronto police raided some 347 grow op houses. Scarborough's 42 Division has begun to publish exact street addresses of grow ops on their own website. Homeowners are required to disclose urea formaldehyde home insulation, even though this type of insulation has not been found to be hazardous. As a matter of fact, I believe it is now a standard clause in all offers to purchase. In my own 31 Division, there were 19 cases in 2003, 39 in 2004 and 67 in 2005; in 42 Division, 43 cases in 2003, up to 123 in 2005, equalling some 42,000 plants.

I have just received some fresh statistical information from our own Ontario Provincial Police drug enforcement section which is quite staggering, and I think we should pay serious attention to that: total investigations, 12,000; search warrants executed, 3,873; criminal charges, 30,400; charged persons, 7,700; marijuana grow ops eliminated, 2,486; marijuana plants destroyed, one million; weapons seized, 2,379.

What does all this mean to a young family with a couple of kids who just scrounged to find the down payment to purchase their first home? What will be their reaction when the neighbours tell them that this house was busted or that so-and-so was murdered? They may not see ghosts, but the nightmare begins. It is a traumatic and mental anguish that is compounded when forced to deal with an exorbitant cleanup bill.

The health risks, trauma and financial burdens associated with these issues beg the attention and resolve of this House.

Health risks: Mould can be removed, but some spore species can be present for up to 50 years. Mould spores



cause debilitating illnesses. A pregnant woman, a child or a frail elderly, someone with a weak immune system, chemical sensitivities or respiratory problems are at the greatest risk of adverse effects. An artificial atmosphere is fertile ground for airborne bacteria. Inhaled bacteria spores ingested or absorbed through the skin can cause potential respiratory disease. New occupants—families—will likely become ill in a few months or even in a few weeks. Many studies confirm that mould exposure is a leading cause of childhood asthma. Repeated exposure will see the onset of allergies that could become lifelong.

Financial costs: You cannot cover up a mouldy wall without endangering the lives of renters or buyers. Returning a house to a habitable condition will cost absolutely thousands and thousands of dollars—it is being said some \$30,000 to \$40,000 for a normal house. To run tests and spore removal is costly and never guaranteed as a total remedy.

1110

This is not a case of “What you don’t know is not going to hurt.” We must not only educate an unwary public, but we must take responsible action and make disclosure mandatory. I think it’s incumbent upon us to send a very strong message to villains and criminals, and property owners and landlords, that we intend to protect consumers. It is time to give consumers protection and peace of mind.

The real estate profession is a very noble profession. Agents are professionals, and they conduct themselves as such. They are very happy when they finalize a sale and end up with a very happy client. As a matter of fact, I’m thankful I was provided with a letter from the Toronto Real Estate Board supporting this, but showing concerns with a lot of the issues. They would like to see this bill work in our communities, and they would be looking forward to having their input on the matter. As well, I have a fax from one of the city councillors who has shown some concern. He deals with a number of grow ops in his constituency as well. There are several calls that I have received in support of this particular bill.

My time is running very quickly and I have quite a bit to say, but let me say to the members of the House today that this is not an issue related to a particular constituency or a particular riding but one that affects everybody in our province. I would indulge the members of this House and say that I would like to see the House send out to those people who intend to make a quick buck at the expense of vulnerable Ontarians a very strong, unequivocal message to owners and landlords, to those criminal minds, that there is a price to be paid. But the highest price will be paid by some innocent Ontarians.

I hope I can have the support of this House. I hope that indeed it will come back soon, and then we can truly say that, yes, we have done something to protect the people of Ontario.

**The Acting Speaker:** Further debate?

**Mr. Ernie Hardeman (Oxford):** I rise to speak to Bill 40, An Act respecting the disclosure of information about crimes to purchasers of land and to tenants. I want

to thank the member from York West for introducing this bill.

Any time that we can talk about issues that deal with protecting public confidence in our economy and our society, it’s a good thing, although, as I read this bill, I started having some concerns that the bill does a lot of things that have very little to do with consumer protection. When we have a property that has had a grow operation in it, the fact that it may have the climate that was attached to that operation, which of course would be a criminal activity covered by this bill—we don’t see the damage that it does in the structure. So I think it’s appropriate to find a way to make sure that’s disclosed when someone else purchases the property. But when you look at other crimes, I find it very, very hard to accept that a landlord or an owner of a property could be held liable for anything that may have occurred in that building during the time that they have owned the building.

I would suggest that, as you read the bill, it’s not only the unit; it is the total building that the landlord must disclose, first of all, to any tenant. If there has been a criminal activity in that building in the last 25 years that the landlord has owned that, he must disclose it to every tenant coming in.

First of all, I wonder how they would keep track of that. Second, I wonder what significance what has happened in the building other than that which may be structurally applicable—what interest that would be to a tenant 20 years after the fact. The disclosure of that, to me, does not seem to be anything that deals with the quality of the structure of the accommodations. So I see absolutely no benefit to putting that in there for consumer protection.

There are certain crimes, I’m sure, that, their having been committed in a building, someone may not want to buy that building because that crime was committed there, even though it has no material effect on the building. Having said that, I’m not sure the onus should be put upon the owner of the property to say, “I will tell you why you shouldn’t want to buy my property because of something that happened here through no fault of my own, but this happened in our neighbourhood or this happened in this house.”

In fact, if we’re going to use that analogy, I expect it’s fair to say that we should likely broaden it to say everything that’s happened in this community, because I think you would find, if you’re looking at criminal activity as it relates to whether a person wants to buy or rent accommodation, the criminal activity that goes on in the neighbourhood will likely have a greater impact on the decision as to whether they want to move into that area than what actually happened in that individual unit. Again, I don’t think this is an issue where the onus should be on property owners to divulge or gather this information and make it available to each one who goes in. From that aspect, I think the majority of the bill is somewhat misplaced.

As I said when I started, it’s so important that we do all we can, at least in discussion, to protect consumers



from being taken, shall we say, on a contract, that what they end up with is not what they wanted. Of course, this is private members' business so it's not a party issue, but it's interesting that the member who introduced it is a member of the present government.

The minister responsible for the Real Estate and Business Brokers Act, which is the act that this would apply to as to the information required in buying and selling, announced the following on March 31, 2006:

"People buying and selling real estate in Ontario will be better protected under the new Real Estate and Business Brokers Act, said Minister of Government Services Gerry Phillips.

"We know that buying and selling a home are two of the most important decisions Ontarians will make in their lifetime," Phillips said. "This new legislation will help protect consumers and play a role in maintaining a safe and vigorous marketplace for both residential and commercial real estate." ...

"The government made new regulations for the act in November 2005 after consultations with the industry.

"The new act will benefit both the consumer and the real estate practitioner, as it includes consumer protection initiatives, higher ethical standards and standards of conduct, which, in turn, will strengthen confidence in the buying and selling process for all types of real estate in Ontario," said Real Estate Council of Ontario chair Bruce Law."

The reason I read that into the record is, I think this is the issue that the member's bill is dealing with, building that consumer confidence and consumer protection. If the member's own government believed this was the right approach, why wasn't it introduced in the legislation in 2005?

Having said that, I know governments move in mysterious ways, and sometimes new ideas come forward after legislation is put in place. But it's important that when you do make changes like that—and this would make a major change in how real estate deals must be put together, what real estate agents must do and what the owner of the property must do—I would think it would be a government initiative that would put that in place. I think the member pointed out that the bill isn't the answer; it's just a framework to build around. I think that's really what it should have been, as a government bill. It should have been and should be part of the next review of the Consumer Protection Act, as opposed to a stand-alone bill, as to whether that would work.

I think it's important that we look at this in the essence of what it does to the public. Again, in consumer protection we have to remember that people who own properties are also consumers who need protection, and we don't want to put laws in place that make it more prohibitive for them to be able to sell their properties. We want to protect all consumers. The whole essence of the bill is to make sure that everyone knows what they're buying and then gets what they pay for or what they put their money down for.

1120

Again, with this being from a member of the government, I'm having real concerns. This morning, between leaving home and now, I've heard from at least six people—more than that, but at least half a dozen people—who were very concerned about what the government did yesterday. In fact, they introduced a budget bill that we all—I suppose the people of Ontario knew that the government had passed a budget. They knew there was a budget bill that was going to implement the budget, changing the rules that needed to be changed in order to implement the new budget plan for the government. But as they woke up this morning, they realized that something else had changed too, and they're all very concerned about why they hadn't heard about that. That was the fact that section H, I believe, changes the term of office—the most basic part of democracy is the elected people—for municipal politicians from three to four years. The people said, "Oh, my gosh, how did this happen?"

**Mr. Jim Brownell (Stormont-Dundas-Charlottenburgh):** That's been in the news for months. My constituency has known about it.

**Mr. Hardeman:** Obviously, the member had great interest in his constituency, but the Premier and the Liberal government had no interest in the constituency of the whole province, because people all over say, "How did this happen?" Now, of course, what was interesting about it is that if you talk to the municipal politicians, they were told about this in February, at a conference that the municipal politicians had gone to. At that time, the municipal people were not very happy with the provincial government because that was a matter of a month after the government imposed the changes to the municipal pension plan, which was going to cost municipalities bundles of money. Every municipality was concerned. The Premier needed something to announce that would make people in this room smile, so he announced that before the next election he would see that the term of office for municipal politics would be extended by a year. Some people said, "How are you going to do that? You would have to introduce a piece of legislation because the term of office for municipal politicians is governed by the Municipal Elections Act." He said, "Don't worry about it. I think I can sneak it into the budget bill." And all of a sudden we have the budget bill, we have two hours of public hearings, and most of those public hearings were related to people coming in and opposing that part, but it was passed with a time-allocated vote, and now we have new laws.

The people didn't buy into that. It wasn't given to them during an election. They just woke up one morning and found it. I think what we need is building consumer confidence, voter confidence, and we've got to quit doing it as this bill it trying to. That's why I just want to say I can't support this bill as it's being proposed.

**Mr. Michael Prue (Beaches-East York):** I read this bill. On first blush, I thought this was a bill that we should support. On further reading, though, I am having



some very real difficulties, and I hope the member will take some of this to heart. If it does pass today, and if it does get sent to committee for discussion, I believe that the entire bill would quite literally have to be gutted. I'm going to outline what some of this is.

The bill starts out and makes the statement that an owner of a property, whether that is the actual owner who lives in the property or an owner who might rent out the property, must disclose if a property was used to commit a crime. The letter that I received from the member from York West sets out some of the crimes that may be involved. He doesn't limit the crimes or expand the crimes. His exact wording is, "The scope of the bill could include murders, kidnappings and hostage situations, callous acts committed against humans or animals, sexual offences that include those committed on the Internet, prostitution rings, grow ops and gang-related crimes. The parameters will be established during committee." What this sets out is that there is a broad potential range. It can be narrowed by committee, I would suppose; it could also be expanded by committee. But there is no way of knowing, if this passes today, exactly where we are headed, whether it will run the entire gamut of the Criminal Code or whether it will extend to acts beyond the Criminal Code for which there are mandatory life sentences, such things as trafficking in non-narcotic drugs, those that are hallucinatory or are manufactured as opposed to narcotic. We really do not know the scope of this bill.

This is a very sweeping potential invasion of privacy. The entire matter comes down to: Will it have an impact on the owner or potential owner as to the enjoyment of that property? Will it result in a lessened enjoyment of a property if you were to find out that some type of criminal activity took place there? Quite frankly, with the exception of grow ops and the health concerns, I fail to understand how that might happen. I really honestly fail to understand how that might happen.

I want to deal with grow ops and what already exists at this time. There was a bill before this House not too long ago. Minister Kwinter, the Minister of Community Safety and Correctional Services, stood up and we had a fulsome debate over many days on a grow op bill. I remember people in this House, particularly government members, stating that when this bill passes, this will be the definitive explanation on banning grow ops, on dealing with grow ops, on assisting the police and government agencies to get into the buildings to find them, and that nothing else would need to be done. I remember that debate as if it were yesterday. It took place, it was real, and it was to be the final word on this issue.

What already happens to people who find their property used for a grow op? A gentleman called me to his house in Beaches-East York last year. He is a man who lived in the house for many years. He purchased a house out in Pickering, where he and his family moved, but he kept this house and decided it was going to be a rental property. He was going to use the money from the rental property to finance his new home in Pickering. This is

not an uncommon experience. This is something many people do when they start to amass property. They will buy one property, move to another one, rent out the first property and use the proceeds to amass wealth. It's quite normal.

He was a fine and upstanding citizen in East York, and I am sure is a fine and upstanding citizen to this day in the city of Pickering. But who was not fine and upstanding were the people he rented it to. He rented this property to three young men who said they were going to live in the house. They agreed to look after the upkeep on the outside of the house, and in fact they did. They agreed that he could come by every three or four months and inspect the inside to make sure no damage was done, and in fact that's what was going to happen.

What happened to this poor individual was that about three months after he rented out the property—and he got his money every month; they paid him every month—the police busted it. When they went inside, they found marijuana plants and hydroponics. They found that the electricity had been tapped, because one of the things you want to hide is that you're using inordinate amounts of electricity. They found it had been used for gambling. They arrested the three young men inside and charged them with various offences relating to a grow op and to gambling. They called the owner of the house. He came down from Pickering and was as shocked as the neighbours and everyone else would be that this had happened in his property.

1130

But what happened to him after that I think is instructive, because what this bill would do to him is make him even more a victim than he already was. The city of Toronto, in conjunction with the police and the building inspectors, are called in in every grow op situation. Their first duty is to look and see if any structural or other damage has occurred in the house and to require the owner of the house, under the building code, to make the necessary repairs.

This poor individual, who I don't want to name because he's already a victim, was ordered, among other things, to replace all the baseboards in the house, because although it was not related to the grow op, the building inspector said they were not up to code. He was required to completely change the parking area at the rear of the house because it was in contravention of one of the city bylaws. He was required to repair all the water damage, even water damage that was not caused as a result of the grow op; there had been some leaking in the roof in previous years. He was required to replace all the windows because the windows were leaking and were not up to code. He was required to completely redo the wiring system in the house. He was required to remove and change the front porch, and he was required to remove and change all the cupboards that were found in the house.

I don't know how much of that was a result of the grow op, but it was certainly a result of a building inspector, and I think a zealous, perhaps even an over-



zealous building inspector, going in and making sure that this person, this innocent victim, was required to do all this because his house had been used unbeknownst to him as a grow op.

Here we have a circumstance that went well beyond the mould and the damage and what was actually happening inside the house. The owner was required to spend tens of thousands of dollars and many personal hours of work to accommodate all the changes that had to be made inside the structure because his building had been used contrary to law.

What we have here is particular and serious wording that causes me even more concern. I think about this poor gentleman and what happened to him already under the existing laws and under the building code. This is what's going to happen here, and I read this from the act itself. Section 62 is going to be added to the Conveyancing and Law of Property Act so that "the vendor warrants to the purchaser that the building or structure has never been used, during the time that the vendor had a legal interest in the land, in the commission of a criminal offence resulting in the conviction of any person..."

This causes me some considerable grief because the law is not confined simply to those that are suggested, and even some of those that are, such as sexual offences, gang-related crimes, grow ops, callous acts and kidnappings—let me just pose the question and maybe the member can answer this in his two-minute rebuttal.

If a person is assaulted inside his or her own house, whether it be spousal assault or anything else, and it is of a particularly serious or grievous nature, the victim, the person who was assaulted—and someone else was convicted of this—has to reveal this. They have to reveal at the time of the sale of the house that a person came into the house, assaulted them, beat them, did whatever. They have to reveal that their house was the scene of a crime. They already have had a bad enough experience, having been assaulted and beaten, and they may want to move out of the neighbourhood or the house as a result of that. They then have to expose to any potential buyer that they were a victim.

I ask the same things about victims of a home invasion. This happens all too frequently in our society. You open the door, someone comes in and does the home invasion, ties you up, ransacks the house, steals the money, does whatever and leaves. They subsequently get caught, but the victim, who then may say, "I want to move away from here," has to reveal to the world that they were a victim, that a criminal offence took place in their house. They had absolutely nothing to do with it. They are victims already, and they are going to have to reveal this so that a potential buyer may say, "I want to get out of this." This is an easy way to get out of it. I find this quite horrendous.

What about the victim of a robbery? Somebody robs you. You're not home today, and you go home and somebody has ransacked the house. They finally catch him. That happened on the property. You're a victim and you have to reveal that. What about a victim of mischief

to private property? Although that's not included and is usually a fairly minor crime, it could be. You go home at night and see that somebody has thrown a brick through your window. They catch the perpetrator. Okay, there you are. You then have to reveal that your house was used in the commission of a crime, because it was.

This causes me, and should cause all of you, considerable grief. The owners are going to have to reveal that it was used as a crime. They are not the perpetrators; they are the victims. That's why I have some considerable problem with this.

When I look down to the next section on tenancy, it is even more problematic. When you look down at that, it says, "The landlord warrants to the tenant that the building or structure in which the rental unit..." That's what I want to focus on: the building or structure. If anywhere inside the building or structure was used for criminal purposes, the landlord must reveal this to all potential and future tenants as long as the landlord owns it.

What happens here? The landlord is held responsible for literally every tenant and everything that is happening in an apartment unit. We know that there are some very large ones; we know that there are up to 500 apartments in a building. If somebody commits something serious in an apartment, one of 500, this bill will say that the landlord must reveal that to every future potential tenant who comes to the building as long as he owns it. If there is an altercation—two guys come home and have a drunken brawl in front of the elevators in a public area, and the police come and take them away; maybe one of them gets hurt badly—that is going to have to be revealed to every single potential tenant as long as that landlord owns the property, because a criminal offence took place inside that apartment building. I don't have to tell you that if you have a 500-unit apartment building, this is going to send shivers up your spine. It will become increasingly difficult for you ever to rent out your building, because you'll have to say, "There was a criminal offence that took place in my building four years ago, where two guys went at each other"—nothing to do with the building, nothing to do with the property, nothing to do with the cleanliness, nothing to do with anything, but it is going to cause great grief, I'm sure, to the landlord community.

There will be a huge reluctance on the part of landlords and owners to reveal this information—a huge reluctance. If they know that a criminal activity is taking place, I will tell you, they will be reluctant to go to the police and explain anything, because this is going to cause them nothing but grief in the end and make it difficult for them to rent the property. I think they're just going to start turning a blind eye—something that I do not want them to do.

The real remedy, I would suggest, is not within the body of this bill. The real remedy is to force owners, to force landlords and to force those who have committed the act to completely clean up and make whole again the property that has been damaged as a result of the criminal activity. If there is a law that will force that, that would



take the money, however that's done, whether you take it from people's wages or fine them or take it through the courts, and if it costs \$20,000 to fix it up and they must be required, as part of the penalty in law, in the case of a grow op, to pay that to make whole the landlord's property and to make sure there is no mould and no damage, that is what should be done. To put innocent people at risk, to put landlords at risk who, through no fault of their own, are victims, I think is a mistake.

**Mr. Lou Rinaldi (Northumberland):** I rise to speak on Bill 40, the bill from my good friend from York West. Once again, it's one of those pieces of legislation that, if passed, will protect our constituents. I think that's what we're all here about.

Before I get into that, and I know I have a few minutes, I just need to address something. I must say that I'm disappointed with my good friend from Oxford, who took about half of his time to talk not about the private member's bill that we're supposed to be here talking about today but about a piece of legislation, the budget bill, that passed last night, which had a piece in it about the extension of municipal councils' term of office. I didn't think that this was appropriate, but then he's got the freedom to speak about what he likes to speak about.

Just to explain, I was disappointed that his constituents weren't aware this was happening; he got phone calls this morning. I feel bad for the people of Oxford, because this member's not keeping them informed. I feel bad because he, as a member of AMO, knew darn well that AMO has been lobbying this government and the previous government about the extension of terms of council. I'm going to stop there because I am here to talk about the bill.

1140

I think the member made it very, very clear—I hear the previous speakers—that the bill is not very specific. Many times we sit in this House, whether it's a government bill or a private member's bill, and we hear that there's no room for debate, no room for input. I think the member was very, very clear. I know his cover letter that we all got was that this created the basic of a framework, and he was looking forward to committee to get that type of input so that if the bill becomes law someday we'd have it right. The framework wasn't rigid, I think he made that very, very clear, and I think I need to commend the member for that.

Sometimes, as I said before, whether it's a piece of government legislation or a private member's, we seem to put in some pretty tight constraints, like a straitjacket. That bill deals that and there's not much wiggle room, and we're afraid that if we make the wiggle room, then the bill loses its flavour.

I think maybe this is a way that we should look at future legislation in this place, to leave those opportunities, so that we not only debate them during second and third readings, but to let the committee do the real work that they're supposed to do; bring in those ideas from the public and members of this Legislature to talk about how we can best address the issue.

On a little bit of a lighter note that refers to this, in my riding, as a matter of fact in the town where I live, we

have Proctor House. This was a piece of real estate that a shipping magnate from years gone by had acquired. It's a beautiful old home. It's now a museum. The property is owned by the conservation authority, but the municipality administers the museum, the house. It's a beautiful house. It's turning into the museum to showcase the era in which the house was built, and the costumes and all those wonderful things that they did back in those days, and we're honoured to have it so we can remember those memories.

Subsequent to that, just in the last five or six years, they built a beautiful theatre, Proctor Barn, which is a replica of a barn of the era and was transplanted to complement the house. They have some fantastic live performances.

But back to the house. The house was known, and still is, for the Proctor ghost. I can tell you, as much as I would love to live in that house, there's no way that my wife would ever move there because of the stigma—although it might not be true—but the stigma of that ghost.

I can just picture myself. When we moved to Brighton 26 years ago, we just wanted to move into the county. We didn't check the history; we didn't check where people came from. It was kind of nice and refreshing, moving from the city to a nice rural community, a different way of life. I could just see me and my wife and four young kids buying Proctor House and then somebody telling us, "Well, Mr. Rinaldi, this house was known for a ghost." I can tell you, I would probably have to move pretty quickly, knowing my wife.

Just to prove that, as mayor of that great municipality, I was at one of the functions. Over the mantle of the fireplace in this great big living area, there's an old mirror that's sort of faded away, as old mirrors go. I can't remember the function. I think it was around Christmas-time, and myself and some other folks had the opportunity to have their picture taken in front of the mirror. You know what? In the picture afterwards, just behind our heads, there was a shadow. I know it's from the faded mirror, but it was a ghost. I have proof in my house with the Proctor ghost behind my head. We talk about superstitions, but there are people that believe in those things.

But more about the bill. I think the point we're trying to make here today is that "Buyer beware" is not good enough anymore. We know that with some environmental issues. We have some laws in this province where we have to unveil or reveal, and in many cases go through some pretty stringent tests to make sure that a property you buy, whether it's commercial or industrial—and from what they tell me these days, if you have to get a mortgage for a residential house, in many cases, depending where it's located, you have to have an environmental study done on it to protect the buyer who is potentially buying the property.

We talked about some of the things that might not fit this—maybe not. Maybe, through committee, we will identify or the member from York West will be able to identify those things that are right and those things



should not be there. I think we need to be open-minded about that. But, for example, I'd be very concerned if a house I buy is a grow op—we talked about this from all sides of the House; we used that example from all members—that might have left some of those chemicals in the house that maybe my kids, not knowing any better, would come in contact with, or even myself. When you buy a house—I know I did it every time we moved. This is why I haven't moved for 26 years: because I've got to go through the torturous process of doing some renovation, not knowing what you're going to find when you tear down a wall or a window. And you may find one of those things that might create some problems.

I want to congratulate the member for recognizing the need to protect our communities. I know he's taking the right approach. Let it go to committee, and let's find those things we need to protect the best. I look forward to this bill moving on.

**Mr. Robert W. Runciman (Leeds–Grenville):** I don't have a lot of time to participate, but I certainly, as a rule, like to support private members' bills or resolutions, whatever side of the House they come from. Knowing the member for York West, I know he's a very sincere individual, and he certainly tabled a piece of legislation that he feels is going to be helpful to his constituents and others in the province of Ontario.

Regrettably, I think that perhaps not enough time was given to assessing the impacts of the legislation in terms of the scope. I'm not personally too worried about that, but because it does, in many respects, revictimize victims of the crime, I don't believe our caucus can be supportive. Certainly the indication from the third party's spokesperson here today is that they're going to be unable to support it as well. That's regrettable, but I think we can get the sense that the majority in the House, the Liberal Party, will support their colleague and get it to committee.

I think all of us know the sad fact is that virtually no private members' legislation, substantive legislation, ever comes back for third reading. That's the sad reality of this place. If we want to have a motion that says we're calling every Tuesday Dead Duck Day or something, that might have a chance of getting acceptance, but any substantive motion—and there are a number on the legislative agenda from all three parties in this place. I can talk about two in our party. Mr. Klees has one on organ donation, a very important initiative. Mr. Jackson has one dealing with a mandatory inquest for children who die while in the custody of the children's aid society. Those are important initiatives that I suspect would have the support, and have had the support, of all members of the House when they've been debated and voted on in second reading. But the reality is, they're not going to be called for third reading. We put them forward as priorities for our party, and we are now looking forward to priorities for the NDP and for the Liberal government. But at the end of the day, since our bills are all substantive and deal with important issues, they're not likely to see the light of day.

The only way is to perhaps get around the situation—we've seen efforts by Mr. Zimmer, of course, with his legislation, which, again, is a bill that we agree with. Ms. Jeffrey has one on sprinklers. I think she's had every fire department in the province of Ontario writing to me, as the House leader of the official opposition, saying that I'm somehow the problem here in terms of getting this legislation through. Of course, if you know how this place operates, you know that's not the case. Certainly, the member for York West knows that the opposition doesn't have the responsibility for calling legislation in this place. But that's the sort of thing that does go on around the perimeter and efforts to circumvent the system. I don't blame members for doing that, because the record is that we don't get beyond referring these to committee, and we have some interesting discussions in committee, and maybe some amendments come forward.

Certainly with this legislation, it would require amendments to the scope. I think most of us could support it if the scope was narrowed down to a significant degree. So then it gets amended, and then it will die on the order paper. That's what happens. The public, when they hear about this, just can't understand it, but that's the way the place, sadly, has operated and continues to operate, regardless of which party is the government of the day.

So I guess we all have to take responsibility for that. I guess at some point, if we all stood up on our hind legs and said, "Enough is enough; we want to see two or three substantive private member's pieces pass through this House that have unanimous support," maybe it could happen, but I'll be a very happy man if indeed the day ever occurs while I'm a member.

1150

**The Acting Speaker:** The member for London–Fanshawe.

**Mr. Khalil Ramal (London–Fanshawe):** Thank you, Mr. Speaker, for giving me the chance and opportunity to comment on Bill 40, An Act respecting the disclosure of information about crimes to purchasers of land and to tenants.

I was listening carefully to many speakers in this House, certainly to the member from York West, the member from Beaches–East York, the member from Oxford and the member from Leeds–Grenville. The member from York West is a great member, as everybody knows in this House. He's been around for a long time, from a municipal councillor to a member representing York West, always bringing important issues to us in this place concerning his constituents, concerning the people of Ontario, which I think he represents very well.

I think the intent of the bill is great. It tries to protect many people across the province of Ontario, especially young people. Getting married, they want to buy their first home for themselves to raise a family, to raise kids, to enjoy their investment. I think they have a right to know what happened to the house before them. They have a total right to know if the house was a scene for criminal activities or a grow op for marijuana or drugs.



I think the member from York West was clear at the beginning when he was talking about the bill not being defined yet. That's why he was hoping it would go to committee, and then the committee would define it or shape it up and make it such an important bill to deal with very important issues.

I want to share the concern of the member from Beaches—East York. I respect his opinion, and I know he had great experience when he was a municipal mayor for his riding. I know he brings great information to this House, and we value and respect his concerns all the time, but we don't want to go far and try to explain the bill or give it more different explanations. We want to be fair to the member from York West, because he stated at the beginning when he was introducing this bill that he knows it's not firm yet, not defined yet. So, hopefully, when the bill goes to committee, it will satisfy the member from Beaches—East York and the member from the Conservative Party, because it's very important to create awareness among all the people.

I think, as a purchaser, I have a right to know what kind of activities were happening in the house, maybe some criminal activities that, psychologically, I won't be able to accept. I also agree with the member from Beaches—East York: We cannot list every criminal activity, whether somebody was fighting with his wife, or the police came to visit for some reason, or we rented a place and that tenant used it for criminal activities. Well, we're not going to penalize the owner and landlord. I agree with him 100%. I don't dispute that, but we have to create an important issue which the member from York West brought to us. I think the homeowner, when people want to buy a house to raise a family, has a right to know the history of that house, if criminal activities happened in the house or if it was a grow op for marijuana. I think it's our right to know. Then, after our knowledge about what kind of activities happened in that house, we can decide if we want to buy it or not. I don't think the intent of the bill is to open it up to all criminal activities—whether somebody is smacking someone or if police have visited the place. I don't think that's the intent of the bill. I think the bill has good intentions to create awareness among people, and it's the right of people who are going to invest thousands and thousands of dollars in a certain location to know what kind of property they are buying.

I want to echo my friend and seatmate, the member from Northumberland, who talked about the ghost place, which everybody knows was on CBC one time. I don't want to buy a place that's well known as a ghost place. I don't believe in ghosts, but for some psychological reason, I would be stressed out and I wouldn't be able to live there. If it was a place where a crime had been committed, like a kidnapping or money laundering or grow ops or many different activities, I have a right to know about those activities before I buy it, because I'm investing my future and my savings to create a place for myself and my family. I think I have a total right to know about the situation of the house or the unit I'm going to buy or lease or whatever.

I don't think the intent of the bill is to open it up to all criminal activities, because they are endless. I don't think the bill intends to list all apartments in a 500-apartment unit. I don't think the member from York West wants to create an obstacle to renting for tenants across Ontario, or for the many houses across Ontario from being leased or sold.

I think the member from York West has great intentions and I believe he was honest and sincere about it from the beginning. He told the people of Ontario that this bill does not define—and he wants it to go to committee to get help from many members, to have input from both sides of the House, to make it a great bill that we can use to protect the people of Ontario, and also to satisfy the member from Oxford. It's very important for us. We were elected to this place and have been given time to bring issues concerning our constituents to be debated in this place through bills or motions or whatever comments we make. It's important to raise these issues on a continual basis, because they are very important to all of us.

I hope the bill goes to the committee. I'm looking forward to more debate and I'm looking forward to supporting it.

**The Acting Speaker:** I'll now return to the member for York West, who has two minutes to reply.

**Mr. Sergio:** I wish to thank all the members for the contributions they have made, positive or negative. The only point I would like to stress with the members of the opposition is that at the outset of the introduction of my bill, I said that this is not the final say, and I wish they would change their minds. It's unfortunate that the House was just vacated now by school kids, because the intent of this bill is to protect those people.

I concur with the member from Leeds—Grenville when he says that maybe this is a waste of time in here on Thursday morning. Everybody comes and says their own thing. Let's give an opportunity, and bring it back. Let's give ourselves an opportunity to send it to a committee and say, "We like this and we don't like that." That is the purpose of being here, not only on Thursday morning but the rest of the week. So I would say to the members that indeed if there is such a concern—as he said at the beginning, "Yes, I'd like to support it but...." This is typical. I would say to the members, let's see what the public has to say. This is going to cost absolutely—and I'm pleased to see the Minister of Health here today—millions and millions of dollars because of the activities that are going on in our entire province, especially here in Toronto. I say to the members, Is it possible that we're closing our minds, our ears and our concern to what the Ontario police and other members of the force are going through with respect to grow ops and other criminal activities in our communities? Are we this irresponsible that we are saying no, regardless of what happens, that we don't care about it?

I hope that, indeed, this will be approved today and I will be looking to the members on the other side to bring

in some good recommendations during the normal process.

**The Acting Speaker:** That concludes the time available for debate on ballot item number 36. The time provided for private members' public business has expired.

#### ONTARIO WORKERS' MEMORIAL ACT, 2006

#### LOI DE 2006 SUR LE MONUMENT COMMÉMORATIF DES TRAVAILLEURS DE L'ONTARIO

**The Acting Speaker (Mr. Ted Arnott):** We will deal first with ballot item number 35, standing in the name of Mr. Ramal.

Mr. Ramal has moved second reading of Bill 86, An Act to establish the Ontario Workers' Memorial. Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

We'll defer the vote until afterwards.

#### DISCLOSURE OF CRIMES ON PROPERTY ACT, 2006

#### LOI DE 2006 SUR LA DIVULGATION DES CRIMES COMMIS SUR DES BIENS

**The Acting Speaker (Mr. Ted Arnott):** Mr. Sergio has moved second reading of Bill 40, An Act respecting the disclosure of information about crimes to purchasers of land and to tenants. Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it. I declare the motion carried.

Pursuant to standing order 96, the bill is referred to the committee of the whole House.

Call in the members. This is a five-minute bell.

*The division bells rang from 1203 to 1208.*

#### ONTARIO WORKERS' MEMORIAL ACT, 2006

#### LOI DE 2006 SUR LE MONUMENT COMMÉMORATIF DES TRAVAILLEURS DE L'ONTARIO

**The Acting Speaker (Mr. Ted Arnott):** Mr. Ramal has moved second reading of ballot item number 35. All those in favour of this question will please rise and remain standing.

#### Ayes

Berardinetti, Lorenzo  
Bisson, Gilles  
Bradley, James J.  
Brownell, Jim  
Delaney, Bob  
Hardeman, Ernie  
Hoy, Pat  
Kormos, Peter

Lalonde, Jean-Marc  
Levac, Dave  
Marchese, Rosario  
McNeely, Phil  
Miller, Norm  
Mossop, Jennifer F.  
Ouellette, Jerry J.  
Prue, Michael

Ramal, Khalil  
Rinaldi, Lou  
Ruprecht, Tony  
Scott, Laurie  
Sergio, Mario  
Smith, Monique  
Smitherman, George  
Van Bommel, Maria

**The Acting Speaker:** All those opposed to the motion will please rise.

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 24; the nays are zero.

**The Acting Speaker:** I declare the motion carried.

Pursuant to standing order 96, the bill is referred to the committee of the whole House.

**Mr. Khalil Ramal (London–Fanshawe):** Can I refer the bill to the standing committee on social policy?

**The Acting Speaker:** Shall the bill be referred to the standing committee on social policy? Agreed. So ordered.

**Mr. Dave Levac (Brant):** On a point of order, Mr. Speaker: Ballot item 36, Bill 40, was just referred to the committee of the whole House. I seek unanimous consent for that particular bill to be sent to the standing committee on general government.

**The Acting Speaker:** Is there unanimous consent to refer Bill 40 to the standing committee on general government? Agreed? I heard a no.

All matters relating to private members' public business having now been completed, I do now leave the chair and the House will resume at 1:30 p.m.

*The House recessed from 1210 to 1330.*

## MEMBERS' STATEMENTS

### FAIR TRADE

**Mr. Ted Arnott (Waterloo–Wellington):** I rise in this House today to recognize Ten Thousand Villages, the largest and oldest fair trade organization in North America. I'm proud to say that they are headquartered in New Hamburg in the riding of Waterloo–Wellington. The people coordinating this organization have asked me to inform the Legislature that Saturday, May 13, will be World Fair Trade Day, and events will take place in more than 60 countries to observe it.

Ten Thousand Villages is a non-profit program of the Mennonite Central Committee. I would like to quote Diana Mounce of that organization, who describes their work in the following way: "Ten Thousand Villages provides vital, fair income to people in the developing world by marketing their handicrafts and telling their stories in North America. Purchasing fair trade products—coffee, jewellery and beautiful handicrafts for the home—offers increased support to farmers and artisans in some of the world's poorest places by providing much-needed income. As a result, their children can go to school, and



families are healthier”—all superb reasons to support their very good work.

I want to also say that we in Waterloo–Wellington are most grateful to the Mennonite Central Committee for the way in which they band together with their neighbours when help is needed most. Our area has been through three destructive tornadoes that occurred in 1985, 1996 and 2005. Each time, the Mennonite Central Committee was there to help us pick up the pieces and help restore people's lives back to normal. That is the spirit of giving and action that needs to be recognized and rekindled every day in this House. I want to congratulate, once again, this fine organization.

### CONSERVATION

**Mr. Peter Tabuns (Toronto–Danforth):** Last night, I attended a forum at Toronto city hall about green energy alternatives to the Portlands Energy Centre. This forum was just one of a series of conversations, dialogues going on in the city about how Toronto can keep its lights on in the most cost-effective, environmentally sustainable manner. That would allow us the opportunity to stop the construction of a mega gas-fired power plant on Toronto's waterfront, one of our most precious assets.

At each of these conversations, energy efficiency and conservation are seen as the answer, the cost-effective, environmentally sustainable answer, and yet our Minister of Energy continues to argue that the Portlands Energy Centre is necessary to meet Toronto's peak power needs.

There are proven ways to cut demand and meet peak power needs in this city. One of the things we can do is provide low-interest loans to businesses, institutions and homeowners to help them cut their energy costs, to cut their air conditioning needs. Unfortunately, this government has chosen a different course.

A course that they could follow, the one that has been set by Toronto Hydro, demonstrated today that they can concretely cut power demand by helping institutions and businesses use their emergency generators to make power. This government has to go in a different direction.

### FAIR TRADE

**Mr. Kevin Daniel Flynn (Oakville):** I rise today, similar to the member from Waterloo–Wellington, to recognize an important celebration and speak about an important issue. May 13, this Saturday, is World Fair Trade Day. This important day recognizes the need and promotes the means by which we can all ensure that developing countries around the world have an equitable chance of trading goods on the world market. Furthermore, it also provides an opportunity to celebrate all of the individuals, organizations and companies that engage in fair trade practices around the world.

Fair trade constitutes a strategy for poverty alleviation and sustainable development. It also creates opportunities for producers who have been economically disadvantaged or marginalized. It allows for the capacity building

of local entrepreneurship, ensures payment of a fair price for goods and services to people in developing countries and incorporates the fundamental concept of environmental sustainability.

With 15 stores across Ontario, Ten Thousand Villages has been a leader on this front. I would like to recognize the work of this organization. For over 50 years, they have been working to promote fair trade issues. There is a Ten Thousand Villages store in my own riding of Oakville, which I have visited often. I'd like to thank Ingrid Pauls, the store manager, for her work on raising this issue. I would also like to encourage all members of the Legislature and all Ontarians to become informed about fair trade issues.

### PENSION FUNDS

**Mr. Ernie Hardeman (Oxford):** I rise today to express concern with regard to a funding shortfall in the Ontario co-operatives pension plan and the devastating impact this shortfall will have on businesses and farmers in rural Ontario. The Financial Services Commission of Ontario has ruled that all farm co-operatives are jointly and severally responsible for pension plan shortfalls. Ontario's deputy superintendent of pensions is proposing to block any windup of the pension plan unless the sponsors put up the money to restore all benefits earned by pensioners and active employees up to April 2003, which of course they have appealed. This is certainly a positive and deserved outcome for pensioners, but this decision also has a negative impact on Ontario's farm co-operatives, Gay Lea Foods dairy and the Ontario Federation of Agriculture. All farmer-owned organizations are being told they will have to raise about \$60 million to cover pension shortfalls. Suppliers were told that pension liabilities will have first priority over inventory and accounts receivable, which has resulted in suppliers putting plan members on a COD basis as of May 1.

Spring is the peak season for farm supply co-ops, a season in which most co-ops do half of their yearly business. This is not a good day for farmers or rural Ontario. If cooler heads do not prevail, all agricultural co-ops could go bankrupt. I believe the Minister of Agriculture, Food and Rural Affairs has to step up to the plate and do whatever needs to be done to help keep these businesses and rural Ontario alive and flourishing.

### WOMEN OF DISTINCTION AWARDS

**Mrs. Liz Sandals (Guelph–Wellington):** This evening I will have the pleasure of attending the YMCA-YWCA of Guelph's 11th annual Women of Distinction Awards, which showcases the many women in Guelph who are making a difference in a broad spectrum of community life. Since 1996, the YMCA-YWCA of Guelph has recognized well over 300 women. I would like to congratulate all of the 2006 nominees for their contributions to the advancement of women and to the quality of life in Guelph–Wellington.



Among this year's 47 nominees, they have contributed to the community in many ways. The nominees include the founder of Canada's first bookstore-café, a union president and the chief executive officer of a \$1.3-billion multinational corporation. We have a number of firsts: the first public school teacher to attend the International Space University in California, the first director of the university's office of open learning and the first female television producer in Guelph. We have an internationally recognized expert on fish genetics, a former synchronized swimmer and team physician for the Canadian Olympic synchronized swim team and the creator of the South Asian Women's Group. There's a nurse practitioner who specializes in wound care and the founder of Guelph's HIV/AIDS clinic.

I would like to thank the Y and their organizing committee for their commitment to recognizing the contributions of women in Guelph and Wellington counties. All of this year's nominees are women of distinction.

#### NORTH GRENVILLE DISTRICT HIGH SCHOOL

**Mr. Robert W. Runciman (Leeds-Grenville):** I rise in the House today to make members aware of a troubling and dangerous situation in my riding that calls out for action by the Minister of Education. Recently, the Kemptville fire chief raised serious concerns regarding the safety of North Grenville District High School. In a public statement, the chief said, "If a fire were to start in one of the lower areas of the school, the occupants of the building would be in great jeopardy due to smoke travel." Chief Tim Bond also said that his fire crews would be at risk entering the school, and he states that the students and staff should not "have to deal in a high-risk environment such as this on a daily basis."

1340

There's no doubt that North Grenville District High School is in need of replacement. It's unable to meet the needs of the student body and shortchanges students in many ways. But the fire chief's warnings are the most serious and pressing concerns.

According to ministry guidelines, the problems at North Grenville cannot be addressed until 2016, but this situation has to be addressed quickly. It is a safety issue and I call on the Minister of Education to expedite the identification of this school as a priority for replacement. No student should have to enter the halls of a building that the fire chief deems too dangerous for his own fire crew.

#### SOUTH ASIAN COMMUNITY

**Mr. Vic Dhillon (Brampton West-Mississauga):** It gives me great pleasure to rise in the House today to acknowledge the contribution of the South Asian community to the province of Ontario.

I invite all Ontarians to join us in celebrating South Asian Heritage Month throughout the month of May.

South Asian Heritage Month, the first of its kind in Canada, commemorates the first arrivals from the Indian subcontinent to the Americas beginning in May 1838.

South Asians have been contributing to Ontario for over 100 years. Today, Ontario is home to more than 500,000 people of South Asian origin, some 7% of our population. While the South Asian community has preserved and shared its traditions, it has at the same time contributed to virtually every facet of business and public service in our communities. South Asians have come to live in Ontario from India and Pakistan, Sri Lanka and Bangladesh. Immigrants of South Asian descent have come from many other countries as well.

I encourage my colleagues and all Ontarians to celebrate South Asian Heritage Month. I ask that we visibly demonstrate our recognition for the contribution this rich and dynamic community has made and continues to make to our province and our country.

#### CANADIAN MEDICAL FOUNDATION

**Mr. Shafiq Qaadri (Etobicoke North):** Joining us today are Abigail Brown, Mario Longo and Stephen Reid, who represent Canada's largest membership charity, which is celebrating its 45th anniversary of protecting and saving lives, including many in my own riding of Etobicoke North.

The Canadian MedicAlert Foundation provides essential emergency medical information services that are a critical part of emergency preparedness and health care in our community. Celebrating 45 years of charitable service to Canadians is indeed a significant milestone for any organization. For many of us, MedicAlert is synonymous, as you'll appreciate, Speaker, with a bracelet. I was impressed to learn, however, of the services that actually go behind the bracelet, especially the emergency response centre that offers all Canadians protection 24/7.

This May marks MedicAlert Month, and I encourage all members of this Legislature and citizens of this province to learn more about MedicAlert services. If you have a medical condition or an allergy, speak to your doctor or pharmacist and ask if MedicAlert services can be right for you.

In closing, I salute this organization for all they have done for Canadians across this country in terms of medical protection, because as you will appreciate and as I can attest to you as a physician, in an emergency, seconds really do count. We salute MedicAlert.

#### ONTARIO BUDGET

**Mr. Kim Craitor (Niagara Falls):** I'm pleased to stand in my place today to thank the Minister of Finance for his excellent budget in March, in which he gave the city of Niagara Falls \$1.675 million to help the city repair its roads and bridges.

The city of Niagara Falls had already identified some \$40 million worth of repairs that needed to be made over



the next five years and had put in place a program that could only accomplish half the work that needed to be done. Thanks to our government's budget initiative, the city of Niagara Falls now has the opportunity to do more and to jump-start its road rehabilitation program. I'm proud to report that at its last city council meeting, city aldermen adopted a program that will see up to 35 streets rehabilitated and paved this year. Important roads such as Victoria Avenue, Morrison Street, Ontario Street, Whirlpool Road and O'Neil Street, along with many other local roads, courts and cul-de-sacs, are going forward.

This investment in infrastructure renewal at the local level by the McGuinty government is an excellent example of how a positive partnership with the cities and towns of Ontario can really help the citizens of the province right where they need it: on their front doorstep.

The people of Niagara Falls want to thank the government of Ontario, this assembly and, in particular, the Premier and Minister Duncan for thinking provincially but acting locally.

#### VISITORS

**Mr. Dave Levac (Brant):** On a point of order, Mr. Speaker: Today, I'm very pleased to announce that in the east gallery some very important visitors from the riding of Brant are here for page Alyna Poremba: parents Rich and Melissa, siblings Nancy and Joe and a good friend, Michelle Ratko, whom I taught and who wants my job someday. I appreciate their being here in the House.

#### CORRECTION OF RECORD

**Hon. Steve Peters (Minister of Labour):** On a point of order, Mr. Speaker: I rise to correct the record in reference to a comment I made, in response to a question from the member from Northumberland, regarding the Making the Grade project. The correct response should have been, "I've directed the ministry to ensure that the Employment Standards Act poster now contains a section for young workers."

#### VISITORS

**Ms. Judy Marsales (Hamilton West):** On a point of order, Mr. Speaker: I'm proud to introduce to this House Fauzia Viqar and her son, Isfandyar, as well as Mr. David Feliciant, who's over in the members' lobby. They join us from the Children's Aid Society of Hamilton. They were the successful bidders in Volunteer Hamilton's "Join Your MPP for Lunch." Welcome.

**The Speaker (Hon. Michael A. Brown):** In the same spirit, we have with us in the Speaker's gallery the legal affairs committee from the Parliament of Finland, led by Ms. Tuija Brax, chair of the committee. The delegation is accompanied by His Excellency Pasi Patokallio, ambassador of Finland to Canada. Please join me in welcoming them. Thank you for coming.

## STATEMENTS BY THE MINISTRY AND RESPONSES

### MUSEUM MONTH

**Hon. Caroline Di Cocco (Minister of Culture):** I'm pleased today to stand in the Legislature to encourage all members of the House and the people of Ontario to participate in the province-wide celebration of May Is Museum Month, organized by the Ontario Museum Association.

Our province is famous for its wealth of museums. The Ontario Fact Book says that Ontario is the place to be if you are a fan of museums. It says, "Ontario is a gold mine of unique, educational, world-class—and yes, weird—museums and collections. In fact, there are more than 600 non-profit museums and another 200 commercial venues where you will find everything from reconstructed dinosaurs to shoes and artefacts."

We have a lot to be proud of and to celebrate. The government of Ontario—under the leadership of Dalton McGuinty—supports our museums because they are an integral component of the cultural, social and economic fabric of this province. Museums enrich our lives and create better communities. They contribute to an innovative economy, promote lifelong learning, safeguard our heritage and improve the quality of life for all Ontarians. Just as important, our museums enhance the education and growth of our young people.

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I'd like to take this opportunity to highlight the important role played by the Ontario Museum Association. For over 30 years, the association has been a guiding partner to museums of every description across the province. On March 25, I launched May Is Museum Month 2006 at the Textile Museum of Canada. It was an excellent opportunity to meet members from the museum community and to celebrate the role of museums in supporting education, cultural tourism and community engagement.

We also highlighted the special participation of Toronto's museums in this celebration. The McMichael Canadian Art Collection, the 10 city of Toronto museums, the ROM, the Textile Museum of Canada, the Bata Shoe Museum, Black Creek Pioneer Village, Casa Loma, the Toronto Aerospace Museum, the Toronto Police Museum, as well as the Ontario Heritage Trust are participating in May Is Museum Month.

Whether a museum's focus is art, ceramics, textiles or pioneer life, museums are an integral component of the cultural, social and economic fabric of this province. We have a number of museums across this province.

One is the Bytown Museum. Opened in 1917, the Bytown Museum traces the history of Ottawa's early years, from the construction of the Rideau Canal and the rough-and-tumble days of Bytown to the city's emergence as the nation's capital. There is a penitentiary museum in Kingston. There is White River Heritage



Museum. This community museum explores the town's connection with the story of Winnie-the-Pooh as well as the area's industrial history. There is the Cobalt Northern Ontario Mining Museum. This museum's collection includes one of the world's largest native silver displays as well as mineral specimens from around the world. The collection not only displays the life of early miners but also focuses on all social aspects of the town. Other activities include the heritage silver trail, which is a driving tour to 14 different mine sites, as well as the cobalt walking tour and the guided colonial adit underground tour.

I'll name a few more: the Colborne township historical society museum; the Joseph Brant Museum. This community museum features artifacts relating to Burlington, with a special emphasis on Mohawk Chief Joseph Brant. There's Pelee Island Heritage Centre. This heritage centre offers a diverse range of displays and activities relating to the area.

There are many more—again, there are hundreds across this province—and they help us to keep alive the accomplishments of the past and to understand who we are as Ontarians and as Canadians.

I would like to commend the Ontario Museum Association for their fine work in leading this year's Museum Month celebrations. It's also a good time to thank the many museum volunteers across the province who give their time and energy all year long. Without their help, many museums in this province simply would not exist.

Happy May is Museum Month.

#### ANTI-SMOKING INITIATIVES FOR YOUTH

#### INITIATIVES CONTRE LE TABAGISME POUR LA JEUNESSE

**Hon. Jim Watson (Minister of Health Promotion):**

Mr. Speaker, I rise today to detail for you and members of the Legislative Assembly the actions that our government is undertaking to prevent youth from smoking in Ontario.

As part of our smoke-free Ontario strategy, youth smoking prevention activities will receive \$3.8 million in increased funding this year. That brings our total budget for youth initiatives on prevention, promotion and cessation to over \$9 million.

Our government is on the side of Ontario families who care about their health. That's why we're also announcing that we're extending the \$500,000 high school grants program in support of student-led activities across the province. Schools once again may apply for funding by contacting the public health unit in their area.

Recently, one of my parliamentary assistants, Peter Fonseca, and I travelled across the province, listening to various groups tell us about the challenges in developing healthy life practices in their communities. We heard so

many touching and important stories, but there's one that Peter shared with me that I'd like to relay to you.

When he was in Windsor, he met with a local high school group that had a Quit 4 Life program. That's a quit smoking project that the local public health unit runs in schools for students. To start the session, each student introduced themselves and talked about why they started smoking and when. Most of the students had started in grade 7 or grade 9, and mostly due to peer pressure.

There was one student who stood up and told the group that the biggest influence in starting was his sister, and he had actually started smoking at age seven. This young man was now in grade 12 and a pack-a-day smoker. A quick calculation done by the group determined that already in his lifetime he had spent \$35,000 on cigarettes. That young man and his sister are why we are taking action.

It's no secret that the best way to avoid becoming a smoker is to never start smoking in the first place. Studies show that if young people don't take up the practice before age 18, chances are they never will.

Statistics show us why it's so vital to act before youth take up this deadly habit. Over 90,000 young people decide to try smoking every year, and one half of long-term smokers die from their habit. Best practices tell us that peer-to-peer, grassroots messaging is the most effective means of preventing smoking among youth.

Earlier today, I had the pleasure of visiting a school in Minister Mike Colle's riding, Loretto Abbey Catholic Secondary School, to see the good use students there made of the \$1,000 they received last year as part of the high school grants program. I have to tell you that I was amazed at how far they had managed to stretch that \$1,000. They promoted smoke-free living to their peers using a very clever Mission Possible theme, and developed a variety of activities that included petitioning the city of Toronto to support smoke-free legislation and bringing in a speaker to talk about the importance of making positive choices around smoking.

In Barrie, at St. Peter's high school, I was able to see first-hand the vibrant displays that the school's anti-smoking youth council had put in the main lobby to discourage their peers from smoking.

In Sault Ste. Marie, at St. Mary's College, the St. Mary's SWAT team—that's Students Working Against Tobacco—developed and implemented a unique and successful tobacco prevention program that has had an unanticipated, far-reaching positive impact throughout their elementary feeder school community. Their initiative also networked with the Smoke-Free Ontario funded local youth alliance.

Other Ontario high schools participating in the grant program have held poster design contests, promoting tobacco-free messages to youth, run health risk awareness campaigns during National Non-Smoking Week or advocated cessation.

The \$3.8 million in new funding we've announced will go toward a number of key initiatives that will help us meet our youth tobacco control priorities. These



include expanding our successful Youth Action Alliance program, which is operated province-wide by the 36 public health units. We're also expanding the Youth Advocacy Training Institute to provide additional support for the Youth Action Alliance.

Earlier this year, I had the real pleasure of speaking to 350 Youth Action Alliance members in Toronto at the first annual Take!Action Smoke-Free Ontario Youth Summit, organized by the Ontario Lung Association and funded by the Ministry of Health Promotion. It was inspiring to be among so many highly motivated, anti-tobacco youth activists.

The Youth Action Alliance is a critical component of our youth prevention efforts. I could give you countless examples of initiatives they have undertaken across the province to promote a smoke-free lifestyle, but time does not permit, so I'll just provide you with one.

In January, a group of Youth Action Alliance members in Kenora, called the Whacky Tobaccy Kids, created 130 highly visible snow angels overnight to communicate to the people of Kenora in a very concrete and effective way that 130 people die in Canada from smoking each and every day. That's 47,500 people each year in our country.

We're putting more money into the Leave the Pack Behind campus protection program targeting post-secondary universities. I know my colleague the Minister of Colleges and Universities is very supportive of that program; it's expanding to all colleges and universities in the province.

1400

I'm proud to say that in a few weeks the McGuinty government will launch a new series of television ads targeting youth as part of its ongoing stupid.ca anti-smoking campaign. To date, that website—which is award-winning, and I'd encourage those students here today to log on to stupid.ca—has received over one million unique visitors within the province in its first year.

When our government took office, we set an ambitious target to reduce overall tobacco consumption levels in Ontario by 20% by the end of the year 2007. That's the equivalent of 3.2 billion cigarettes—3.2 billion cigarettes that will not be contributing to disease and death in the province of Ontario. Our 20% target is within range. Consumption rates have already dropped by almost 10% since 2003.

A survey from the city of Ottawa, my hometown, recently showed that smoking rates in Ottawa high schools had decreased from 21% in March 2003 to 16% in 2005. One of the initiatives responsible for this particular situation in Ottawa is the Exposé program, which is unique in its approach: fewer lectures and more emphasis on encouraging youth to examine the facts for themselves, particularly on the tobacco industry's propaganda aimed at the youth market. The program also includes smoking cessation counselling, an annual mass media contest, student committees and numerous community events such as youth summits and interactive exhibits.

I want to commend the honourable member from Ottawa—Orléans, Mr. Phil McNeely, who is one of the great supporters of Exposé, for the work that he has done for this program, as well as Dr. Rob Cushman, the former medical officer of health, and Dr. David Salisbury, the medical officer of health.

Soyons clairs : la cigarette est la première cause de maladies et de décès prématurés évitables en Ontario.

We're happy to be participating with young people across the province of Ontario. I thank the students I met today for their wonderful and warm presentation. We are very excited, as part of the smoke-free Ontario legislation, to put more money into youth programs. We're excited about May 31 and the fact that Ontarians across this province can breathe easier. Merci beaucoup.

## LAND TRUSTS

**Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs):** It gives me great pleasure to rise in the House today for the second time this week to announce that the McGuinty government is taking steps to increase protection for Ontario's natural spaces and biodiversity.

Two days ago I announced that we were launching a public review to strengthen the laws that protect Ontario's species at risk and their habitats. This morning I took part in an event honouring an innovative partnership between the Ministry of Natural Resources and the Ontario Land Trust Alliance that is helping to permanently protect environmentally significant lands across Ontario. This partnership has protected over 12,000 hectares of environmentally sensitive lands across Ontario worth more than \$4.5 million, certainly an achievement worth celebrating.

The Ontario Land Trust Alliance represents 34 non-profit charitable organizations that work with conservation-minded landowners to acquire land in Ontario or interest in land for the purpose of conservation. The areas protected under this partnership have included wilderness, agricultural, water and wetlands, and areas of ecological significance.

Protecting natural spaces is more important today than ever before because all of us depend on a biologically diverse environment for clean air and water and abundant wildlife, as well as the benefits we derive from forestry, farming, fishing and recreation. With our growing population, we can only conserve Ontario's biodiversity by making sure that significant natural features and wildlife habitats are permanently protected. Land trusts play a vital role in the conservation of land areas. These non-profit organizations hold land or conservation easements in trust for future generations.

The Ministry of Natural Resources strongly supports the work of Ontario's land trusts, and we've shown our support first by providing funding to the Ontario land trust assistance program. This program gives grants to Ontario land trusts for the legal and other costs of acquiring or placing conservation easements on ecologic-



ally significant lands. Since late 2004, the ministry has contributed \$150,000 to the Ontario land trust assistance program. As I have mentioned, to date this funding has helped to protect environmentally significant lands across Ontario worth more than \$4.5 million. We think that's a tremendous investment.

I'm pleased to tell the members of the House today that I'm renewing my ministry's support for the Ontario land trust assistance program with another \$150,000 grant so that this successful partnership can be continued. I also want to emphasize that none of this would be possible without the willing involvement of the landowners who have secured their land for conservation, either through donation or sale, or by choosing to will their property to a land trust. That's why I see this as a three-way partnership among the Ministry of Natural Resources, the Ontario Land Trust Alliance members and the landowners themselves. Only by working together are we able to protect more land, conserve more species and habitat, and ensure a healthier natural environment for Ontarians.

Another way the ministry has helped land trusts is by proposing changes to Ontario's Conservation Land Act and Planning Act. A conservation easement is a legally binding agreement between a landowner and the holder of the easement. It limits certain activities on the land during the term of the easement. Conservation easements are an important tool for supporting the stewardship and protection of natural heritage features and agricultural lands on private property over the long term. That's why this government is taking steps to make conservation easements easier to use and to clearly define when they can be used. For example, the Duffins Rouge Agricultural Preserve Act, enacted in 2005, clarified that conservation easements could be used to protect land for agricultural purposes. It also provided greater certainty about using conservation easements to protect conservation values over the longer term.

In addition, Bill 51, the Planning and Conservation Land Statute Law Amendment Act, if passed, would, among other benefits, make it clear that conservation easements can be used to protect water sources and simplify the process for putting a conservation easement on part of a property.

These changes would mean that Ontario land trusts could spend less time on meeting the complex requirements of the current laws and more time on protecting the land. The result would be more conservation lands legally secured for the future and an increase in the number of private landowners who manage their land sustainably.

At the MNR, we will continue to make protection of natural areas a priority. Our natural spaces program, which was announced last year by Premier McGuinty, is a voluntary partnership program that encourages landowners in southern Ontario to restore and protect natural areas on their properties. The program includes a \$6-million grant to the Ontario Heritage Trust in partnership with the Ministry of Culture. The grant is funding the

natural spaces land acquisition and stewardship program to acquire and secure significant natural heritage properties.

The deadline for applications for this funding was March 15, and I understand that the Ontario Heritage Trust had a great response from many organizations. I look forward to announcing, with the Minister of Culture and the chair of the Ontario Heritage Trust, the first round of funding. It's another step toward protecting significant natural areas across the province.

All of the initiatives I have mentioned today will take us closer to our ultimate goal of conserving Ontario's biodiversity, protecting natural spaces and ensuring a healthier environment for all Ontarians now and in the future.

**The Speaker (Hon. Michael A. Brown):** Responses?

#### MUSEUM MONTH

**Mrs. Julia Munro (York North):** I'm pleased to join with the minister and all my colleagues in the House to recognize Museum Month in Ontario. We all recognize that Ontario's museums are a vital, living reminder of the heritage and history of our province. Our museums show us how our ancestors lived their lives—the struggles and the challenges they faced.

In the last few years, our museums have entered a great period of revival and expansion. I am very proud that our PC government, through the SuperBuild program, was able to launch the renewal of so many museums and cultural institutions. As an example, our \$30-million investment of SuperBuild money gave the Royal Ontario Museum the seed capital to launch a major plan of new construction and renovation. This reconstruction will help the ROM secure its place as one of the world's great museums, with a vast increase in display space.

Museums are not just in big cities, though. Communities all across Ontario have museums celebrating local heritage and history. In my own riding, we are proud of such places as the Sharon Temple, the Georgina Pioneer Village and the Campbell Museum, to name a few.

I encourage all Ontarians to visit their local museums during Museum Month. Take your friends and family and learn about our history and our culture.

1410

#### ANTI-SMOKING INITIATIVES FOR YOUTH

**Mr. Frank Klees (Oak Ridges):** On behalf of the official opposition, I want to express our support for the government's commitment to support smoking prevention activities targeting youth. Anything that can be done to prevent youth from smoking should be done, and we will always endorse any initiative that encourages young people to take up the cause of promoting good health habits.



We do have a concern, however, and that is with this government's propensity to ignore the consequences of their actions. While we fully support the government's initiatives to reduce smoking, we cannot support the government's irresponsibility and callous disregard for those whose personal lives and businesses are being affected by this government's actions. I refer in this context to the thousands of families and businesses that have appealed to the government for transitional support to help them cope with the financial impact of the McGuinty government's policies. We call on the government to recognize its responsibility to these hard-working citizens and to respond to the Ontario Korean Businessmen's Association petition, which calls for fair compensation and help from this government to allow replacement categories for tobacco products.

### LAND TRUSTS

**Mr. Norm Miller (Parry Sound–Muskoka):** It's my pleasure to respond to the statement made by the Minister of Natural Resources. Of course the opposition supports the government in its desire to protect environmentally sensitive land, and we're pleased to see the announcement about protecting 1,200 hectares of land. But I would like to remind the Minister of Natural Resources about who protected more land in the history of this province than any other Premier. Who might that be?

I will answer the Minister of Natural Resources, in case he isn't sure. That was Mike Harris, who in 1999 initiated the Ontario Living Legacy program. Today we're talking about 1,200 hectares of land. That program protected some 2.4 million hectares of land: some 378 new protected areas, 61 new parks, 45 park additions. That is an area three quarters the size of England, protected by Mike Harris. It's really quite remarkable. You might wonder who protected the Oak Ridges moraine. Again, the answer to that question is Mike Harris.

In the short time I have left, I might point out that many new parks and protected areas are within the riding of Parry Sound–Muskoka. In fact, I suspect there are probably more parks and protected areas, including access to Algonquin Park, either from east of Huntsville on Highway 60 or from Kearney to Algonquin Park, and of course we have the park-to-park trail program, a recent initiative which connects five parks that is just coming to completion. We have Massasauga Provincial Park, we have O'Donnell Point park, protecting some very important species. So across Parry Sound–Muskoka, and indeed across Ontario, there are many parks and protected areas created by Mike Harris. Thank you, Mike.

### MUSEUM MONTH

**Mr. Peter Tabuns (Toronto–Danforth):** I rise to address the issue of Museum Month. It's certainly a pleasure to rise in support of this celebration of our museums. I remember, as a kid, my folks coming in from

Hamilton, driving in for the day to go to the Royal Ontario Museum; an extraordinary experience for a child that continues to be an extraordinary experience as an adult.

When we think about museums, when we think about culture, we think about the collective consciousness of this society, we think about the repository for the artifacts, the display of the artifacts, that gives us a sense of where we've come from as a civilization, what our roots are and what they can be. So I think it does make sense this month to honour those roots, to make sure that the repositories, the museums themselves, are well-treated and well-respected.

I hope the celebration of Museum Month is accompanied by adequate and growing funding, so those museums, those repositories of our culture, can continue to exist and help our society.

**The Speaker (Hon. Michael A. Brown):** Responses, the member for Timmins–James Bay.

**Mr. Gilles Bisson (Timmins–James Bay):** Just on a follow-up to that, how ironic that we celebrate Museum Month, and tomorrow, Écomusée, the only francophone museum in northeastern Ontario, will be shutting its doors because it ran out of Dalton McGuinty's funding. I would say that the best thing you can do to respect museums in this province is provide funding to Écomusée of Hearst, and I'll be giving you a letter later on their behalf.

### LAND TRUSTS

**Mr. Gilles Bisson (Timmins–James Bay):** I would also like to say to the Minister of Natural Resources that it's too bad the minister isn't as concerned with protecting the north Leslie lands in Richmond Hill, one of the most environmentally sensitive, hydrologically complex areas in southern Ontario. Instead of protecting the north Leslie lands, home to the Rouge River headwater wetlands complex, the McGuinty government is content to let developers put new urban sprawl communities of 7,800 residents in that area, an area as big as Stouffville. Recent testimony at the Ontario Municipal Board hearing on the north Leslie lands has proven that the majority of north Leslie is too sensitive for development and home to provincially threatened fish—the red side dace—and regionally significant wildlife colonies. Yet again, the McGuinty government is more concerned about protecting developers than environmentally sensitive lands.

### ANTI-SMOKING INITIATIVES FOR YOUTH

**Mr. Michael Prue (Beaches–East York):** In response to the Minister of Health Promotion, I remember back to the time before the last election when the Liberals proudly announced, "We will ban countertop and behind-the-counter retail displays of tobacco products." If only you had done so. If only the date that everything else is being done at the end of this month included that,



because so many people came before the committee and said, do it at the same time, take that extraordinary step.

Just to talk about some of the young people who came before the committee, Tanya Wagner, who represented Whitby Youth Council, stated in part as follows: "Tobacco advertising and promotion increase smoking and the number of youth who start smoking. A ban on such advertising and promotion would decrease smoking among adults and youth. That would be a very good thing."

Or how about Wide Awake: Generation Against Tobacco and their spokesperson, Brian Dallaway, who said, "We ... don't believe it is morally permissible to market to kids in retail stores using power walls.... It is important that regulations be set in legislation rather than industry self-imposed restrictions." At the end, he made a very simple statement: "Ban power walls."

Or how about Olivia Puckrin and Caylie Gilmore, students from Port Perry High School? I quote what they had to say: "Every time we go into a store, cigarettes are there. Cigarettes are displayed on the counter, behind the counter and even in the counter. We recently learned that the tobacco industry pays stores \$88 million a year to do it. This advertising not only tempts adults to smoke, but it makes cigarettes look like a normal product. But no other product will kill you if you use it as the manufacturer intends. So how can this be normal?"

That's what kids had to say. We're all looking forward to the end of this month and having smoking cessation take place in various parts around the province. But I have to ask in the end: If the government was truly serious, why wouldn't you have removed the power wall displays? That would have removed the temptation from young people once and for all. How many of those young kids, seeing the power walls, are going to take up a cigarette habit, and 20 years from now, how many of the kids who take up the habit between 2006 and 2008 are going to be statistics in this province, who never should have been? I ask the minister: Think about those kids and do something about those power walls today.

## ORAL QUESTIONS

### MEMBER FOR PARKDALE-HIGH PARK

**Mr. Robert W. Runciman (Leeds-Grenville):** I have a question for the Acting Premier; I believe it's the Minister of Health today. This question has to do with your colleague the MPP for Parkdale-High Park and his continuing desire to have the Ontario taxpayer subsidize his federal leadership campaign. Minister, I recognize you are supporting Bob Rae for the federal leadership. I guess it's the "Smitherman can make people cry, then Rae can tell them how he feels their pain" campaign. But putting your leadership candidate support aside, do you honestly believe it's appropriate for Mr. Kennedy to be

anywhere but in his own riding and still draw his MPP salary?

**Hon. George Smitherman (Minister of Health and Long-Term Care):** I'm very privileged to stand in this House today and say that I'm very, very open about the fact that I think Gerard Kennedy is a fantastic fellow. I believe that for 10 years in this place he has distinguished—

*Interjections.*

**Hon. Mr. Smitherman:** They're a small number, but they're noisy.

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Order. Minister.

1420

**Hon. Mr. Smitherman:** Obviously, we saw evidence yesterday of the hard work and determination that Gerard Kennedy brought to the file with respect to education. The education critic on the other side could hardly get a question when Gerard Kennedy was the Minister of Education, which stands as some example of the fine work that he was doing.

We're very proud that Gerard felt that he had some business to finish with respect to the work that he does in his riding. One of those pieces—he had the privilege, on behalf of our government, of announcing last week a significant expansion to a hospital in that area. Accordingly, he has indicated that soon he will resign, and accordingly, we believe it's appropriate that he do that in accordance with his constituents.

**Mr. Runciman:** That endorsement was just dripping with sincerity. Closeness breeds lack of support, I guess.

There is a Canadian Press story out today where a Kennedy campaign worker says that the MPP wanted to resign his seat when he entered the leadership, but stayed at the request of the Premier, who wants to hold off on a by-election—quite a different story than what we've been hearing from the Premier, who has said it's not his responsibility; he has nothing to do with it.

I know trying to determine which Liberal is telling the truth is like trying to tell cats apart in the dark, but I have to ask you, was the Premier being forthright in his responses?

**Hon. Mr. Smitherman:** You would think if there is anybody in this Legislature who is afraid of a by-election in Toronto, it would be the honourable member, whose party's result in the last by-election in Toronto but a few hundred yards from where the leader lives—they hardly registered at all, and this member stands today with all his rhetorical bravado.

The reality is that any comment that I made with respect to Gerard Kennedy in my first answer I said in a heartfelt way, and for that honourable member to stand in his place and suggest that I wasn't being sincere is evidence of just how low he has sunk. The reality is there. The constituents in the riding of Parkdale-High Park and their member of provincial Parliament will have the appropriate opportunity to consider this issue. Mr. Ken-



nedy has been clear about his intentions and we think this is very, very appropriate.

**Mr. Runciman:** We know the Minister of Health isn't known as a bully-boy for nothing, and he's not going to draw me in with that kind of rhetoric.

*Interjections.*

**Mr. Runciman:** Give me some help here, Mr. Speaker. They're drowning me out.

*Interjections.*

**The Speaker:** Order. I want to take this opportunity to remind members that we are all honourable members and we need to treat each other with respect in both asking and responding to questions. Try to keep that in mind.

The member for Leeds—Grenville.

**Mr. Runciman:** It's a practised Liberal tactic: intimidation or shouting down people who disagree with them.

Acting Premier, in today's edition of what I'll politely describe as a Liberal-friendly newspaper, the Toronto Star, there is a surprising call for Mr. Kennedy's resignation. Even the editors at the Star recognize that this "entitled-to-my-entitlements" Liberal mentality could do further damage to an already severely damaged brand. Acting Premier, when will your Premier show leadership, show some intestinal fortitude and show Mr. Kennedy the door?

**Hon. Mr. Smitherman:** The first thing that is most appropriate to say is I believe that among those who know me best, it's well known that I am a lover and not a fighter.

But I want to say this to the honourable member, who today in his attempt to be a statesman rather forgets, as just one example, the language that he used to describe the Ontario Medical Association at a point in time when his government was in negotiations with them. I just want to say we do believe that it's fully appropriate that Mr. Kennedy, along with his constituents, make a determination. He has indicated that this is coming very, very soon, and obviously if we count the days between his decision point and his exit from this place and compare that to the actions of three members from that side, we will know that Mr. Kennedy could only be accused of being particularly expedient.

#### FEDERAL-PROVINCIAL FISCAL POLICIES

**Mr. Frank Klees (Oak Ridges):** My question is to the Acting Premier and it deals with honesty in government, specifically with the Premier's credibility. When asked by the media yesterday morning about the equalization agreement from the fall of 2004, the Premier responded by saying, "It was something that I opposed." Why would the Premier say that when he knew full well that the media and the other leaders in that room in 2004 heard him say the exact opposite?

*Applause.*

**Hon. George Smitherman (Minister of Health and Long-Term Care):** I think the most interesting thing was the delayed applause for the honourable member's ques-

tion. I think the other honourable members in the caucus must have realized that it's a rather precarious position they find themselves in. Unable to stand up and articulate a position on behalf of Ontario, instead they seek to get into some game of innuendo.

The reality is clear: Our Premier has made a very pronounced case on behalf of the people of Ontario. We're very proud in our province to be supporters of equalization, and we're very proud of the progress other jurisdictions are making, but at a certain point in time it is appropriate to stop and ask the question: Is it appropriate for Ontario to be asked to continue to pay forward with significant advances in equalization when, as just one example, we now spend the second-lowest amount per capita on support for our hospitals and we have the lowest overall program spending in the country? These are the questions that our Premier has appropriately put, and it's very interesting that that party has no position in favour of the people and the province of Ontario.

**Mr. Klees:** What we do have a position on is the truth. We're trying to find out what the truth is with this Premier, because back in October 2004, when commenting on the deal with the then Prime Minister, Paul Martin, the Premier said, "From our perspective, as an Ontarian, we have come to a reasonable accommodation." He was also quoted, in the Ottawa Citizen, as stating, "We have come to a reasonable accommodation ... we think we have struck the balance between making a fair contribution to the strength of the federation ... without compromising our ability to invest in the kind of programs that enable us to act as Canada's economic engine." That statement completely contradicts what the Premier said yesterday to the media. I'm going to ask you one more time, what is it about the Premier's ability to say one thing in 2004 very publicly and say exactly the opposite yesterday? Where is the truth on this issue?

**Hon. Mr. Smitherman:** It's astonishing. One piece of the truth that would be evident for anyone who has been following the debate is that the Conservative Party in Ontario is missing in action as it relates to the interests of the people and the province. This honourable member is very likely to get two questions in today. In the first one, he asked why we are not supporting flowing \$15 billion of equalization. In the next question, no doubt this honourable member will be standing in his place and asking for advances in expenditure, because that is exactly the policy of the Conservative Party under the leadership of John Tory: two sides on every position. But we ask this honourable member, with one more opportunity in his supplementary, to stand in his place and say that he thinks in the fiscal capacity of the province of Ontario, in a circumstance where his party already has a commitment to cut health care spending by \$2.5 billion—where are you going to get the additional resources for the equalization program that you are standing up and supporting today? Our Premier stood in his place and said, "3.5% is reasonable. That is acceptable. That is what we will do"—

**The Speaker (Hon. Michael A. Brown):** Thank you, Minister. Final supplementary.



**Mr. Klees:** The fact of the matter is that the Minister of Health continues to tell this House an untruth. He continues—

**The Speaker:** I of course need you to withdraw that remark.

1430

**Mr. Klees:** I withdraw.

What we're trying to get to the bottom of, acting Premier, is why your Premier continues to tell the people of this province one thing one day, and the next day turns this around and refuses, even through you—he's even convinced you that it's okay as Premier to say one thing one day and then flip-flop the next. My question to you very simply is this: Which Premier will show up here on Monday? Will it be the one who said it is a good deal and he negotiated it, or will it be the one who spoke to the media yesterday morning? That's my question to you. Which Premier will show up on Monday?

**Hon. Mr. Smitherman:** What I assure this honourable member of is that the Premier who will show up in this place on Monday is the same Premier who stands up every day for the people of the province of Ontario with a single message about fairness. On the way into the meeting the honourable member wants to speak about, our Premier said that he felt increasing equalization wasn't the way to go. Many people of course would like to see equalization increase to the sky, and apparently the honourable member and his party are among them. The increase was held to 3.5%.

But this is the basic unfairness that is associated so far that the honourable member stands in support of: for an unemployed person in Ontario, \$3,310 less in annual regular benefits than other provinces; 181 bucks less for every hip replacement; \$104 less per college student; \$361 less per disability support case. These are the items that we stand to address.

Ontario is proud of its role in the country. This is fundamental to the belief structure of Ontarians. But there is a limit to our capacity.

#### MEMBER FOR PARKDALE-HIGH PARK

**Mr. Peter Kormos (Niagara Centre):** A question to the acting Premier: Sir, folks in Parkdale-High Park were shocked to read in the Toronto Star this morning that Gerard Kennedy "had wanted to resign his seat when he formally entered the leadership race two weeks ago, but stayed on at the request of Premier Dalton McGuinty, who wants to hold off on a by-election."

How can your government justify denying the folks of Parkdale-High Park full representation here at Queen's Park for your government's own crass, partisan political and self-serving reasons?

**Hon. George Smitherman (Minister of Health and Long-Term Care):** If the honourable member really, really feels all those people in Parkdale-High Park woke up feeling that way this morning, I rather suspect they might have been here stampeding the lawn, but it's only

the honourable member's rhetoric that's revved up on this point.

The reality is clear. He said, what about this role of the MPP delivering for the people of Parkdale-High Park? Well, it seems apparent that the honourable member for Parkdale-High Park still has some awfully good skills, because he just delivered a hospital for the people of that community, a long-awaited necessity that has been long-standing.

We've been clear. The Premier has left this up to the honourable member, in his conversation and his work with his local constituents. He has decided that is going to come soon, and this falls very short of the Marilyn Churley time lag.

**Mr. Kormos:** While the Premier has wanted us to believe that this is a matter between Mr. Kennedy and his constituents, it appears to have been a matter between Mr. McGuinty and Warren Kinsella, because this morning Mr. Kennedy finally went on the radio to let the folks of Parkdale-High Park know they'll have a chance to elect a full-time MPP after the Premier lets him resign two weeks from now. The problem is, people here in Toronto listening to CFRB or CBC or 680 or 640 didn't hear it, because Kennedy made that announcement on Halifax News 95.7, where he was at the time. This is sad. Gerard Kennedy isn't speaking to his constituents anymore, much less representing them. Why doesn't he just resign today, go now? Why doesn't the Premier let him do that?

**Hon. Mr. Smitherman:** I think it's appropriate to remind the honourable member of the tremendous work and contribution that Gerard Kennedy has made, not just to the community of Ontario but the community of Parkdale-High Park. The reality of the work continues in the sense that he had the opportunity just last week to deliver a long-standing promise, to deliver on something that has been on the wish list of the community of Parkdale-High Park for more than a decade, back to the brief days when that honourable member was entrusted with power in the province of Ontario.

Obviously, Mr. Kennedy has indicated it's his intention to resign shortly. What we know for sure is that he will have done so in a manner that is rapid compared to the exit strategies of honourable members opposite.

**Mr. Kormos:** That's interesting. After Marilyn Churley announced her intention to run federally, she had 38 recorded votes, 19 oral questions and two private members' bills before she resigned her seat. Since Gerard Kennedy made his announcement April 5, not a single day here in the Legislature, not a single reading of a petition—

**The Speaker (Hon. Michael A. Brown):** We are not, as you know, permitted to talk about absence from the Legislature.

**Mr. Kormos:** Zip; nothing from the member.

You can't blame Gerard for wanting to resign. He's running for the leadership of the federal Liberals, and the sooner he separates himself from Dalton McGuinty and McGuinty's record of broken promises, weak leadership



and ongoing excuses, the better for Gerard Kennedy and his chances. Why doesn't the Premier put his partisan, crass, self-serving delay of the Kennedy resignation aside and accept Mr. Kennedy's resignation today, here, now, effective 6 p.m.?

**Hon. Mr. Smitherman:** I think that, upon reflection, the voters of Toronto–Danforth, the riding next door, cast their view about the questions that Marilyn Churley was asking during that period. What I do believe is that the voters and the residents of Parkdale–High Park would rather know that their honourable member delivered an important expansion of their hospital than stood in the Legislature and asked a couple of questions.

### LONG-TERM CARE

**Mr. Gilles Bisson (Timmins–James Bay):** My question is to the Minister of Health. Minister, residents and families representing five nursing homes delivered petitions to Sarnia–Lambton MPP Caroline Di Cocco on Friday calling for \$306 million in increased funding across Ontario for more nursing home care. Residents of the Trillium Villa long-term-care facility in Sarnia want their dignity. Seniors there are forced to wait as long as half an hour to be taken to the bathroom. Diana Sitzes, one resident, says, "These are our golden years. If that's what it is, I don't want them."

Minister, seniors deserve dignity. When are you going to provide the funding you promised in the last election and allow Diana and all other seniors to live their golden years in dignity?

**Hon. George Smitherman (Minister of Health and Long-Term Care):** As is so often the case in this Legislature, when the third party stands and asks a question, the next day, all of those who have been offended by the nature of the question send in letters. So it was this party, over the course of the last week or so, that asked a question about a circumstance in Peterborough. Then it was the letters to the editor that followed to the local newspaper and to our office from all of the people who were indignant about the characterizations that were made there.

Our government has invested almost three quarters of a billion dollars in expansion of service and number of long-term-care beds in the province of Ontario. We've brought in a new capacity to respond to concerns that are raised about the quality of care. We fundamentally believe that, for those most vulnerable, we're providing a very adequate resource to provide the care and support that they need. I encourage the honourable member to tell anybody who doesn't feel that that's occurring to call the 1-800 action line. They will get action on these points.

We have 618 long-term-care homes, and they are providing a very, very high quality of care.

**Mr. Bisson:** Minister, you can stand in the House and you can yell all you want; the reality is that seniors and residents across this province are having to do with less today than they are needing in order to be able to provide services. You're providing half the amount of money

that's provided to prisoners for food to people who live in long-term-care institutions: \$5.34 of funding is available for food for seniors in long-term-care facilities, and we provide double that for people who are inside our jails across this province.

Mr. Al Muxlow has to live on \$5.34 worth of food a day. Your government hasn't done anything to respond to his needs. I say it again: When are you going to provide the dollars that you promised in the last election to make sure that these seniors live in dignity in their golden years and don't have to be in this situation?

**Hon. Mr. Smitherman:** I'm so delighted for the opportunity to remind the honourable member that he too had the chance, the privilege at one time, of being in a government. Do you know what the government that he was part of—do you know the decision point that they made? On one day in 2003-04, they made a decision about increases to food for people in institutions. Do you know what they did on that day? They increased the amount of money that they provided for prisoners and those in corrections institutions, and they didn't provide a penny for people in long-term care.

In contrast to that, not only have we increased the food allowance; we've done something that hadn't been done in more than 20 years, and that is, we provided increases in the comfort allowance, to be able to give those people in our long-term-care homes the opportunity to purchase things that are personal to them and for their needs. The other thing that we did: We froze increases in the co-pay. In addition to that, three quarters of a billion dollars of new expenditure on long-term care; 2,300 additional employees.

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**Mr. Bisson:** Minister, you can do that all you want to in this Legislature. You can try to blame it on the past government, the previous government and governments 100 years ago, but it doesn't do anything to deal with what's going on today.

The reality is that long-term-care institutions are having to provide meals to people at a level of \$5.34, and it doesn't cut it. In Sarnia–Lambton, in Thorold, in Toronto, in Timmins, in Thunder Bay and in Kapuskasing, the story is the same. People are coming together in those institutions and they're calling on your government to do what you promised in the last election and not just stand in this House and try to blame it on everybody in the past.

You're the minister. You're the government today. You've got the limo. What are you going to do to live up to your promise of the last election?

**Hon. Mr. Smitherman:** The honourable member doesn't like to be reminded of the day when he had the limo and, let's face it, most of us don't either.

**Mr. Michael Prue (Beaches–East York):** He never had one.

**Hon. Mr. Smitherman:** Yes.

I didn't stand up in blame; I stood up in contrast. I'm proud of the work that we've done in long-term care. I'm proud of the work that my colleague from Nipissing,



Monique Smith, has done in long-term care. I'm proud of the fact that there are 2,334 new staff working in long-term care. I'm proud of the fact that we've increased funding by three quarters of a billion dollars. I'm proud of the fact that we increased the comfort allowance for those in long-term care. I'm proud of the fact that we froze the co-pay.

There's more to do in long-term care, as there is in all elements of health care. But across the breadth of our 618 long-term-care homes, I'm proud of the work that's being done to provide care for the most vulnerable in our communities.

### HOSPITAL SERVICES

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** My question is to the Minister of Health and Long-Term Care and also deals with honesty in government. On May 1, 2006, you tried to justify the removal of July's wait times data from your website by saying, "When the first wait-time information was provided, several hospitals weren't reporting, including the University Health Network, which is our largest hospital."

I have in my hand the July wait times data that we printed from your website before you deleted it. It clearly shows that the University Health Network reported wait times for cancer surgeries, both gastrointestinal and genitourinary; wait times for all three cardiac procedures that you measure; cataract surgeries; hip and knee replacements; and MRIs and CAT scans. Minister, they reported data for each of your five priority areas.

Your explanation for deleting July's wait times data is hokum. Will you admit today that the real reason you deleted the July data is because you didn't like what they had to say about your failure on wait times?

**Hon. George Smitherman (Minister of Health and Long-Term Care):** If the honourable member were to be in touch with the University Health Network, they would tell her what they told our ministry, which is that they made mistakes in the data. The other circumstance with respect to the July data was that it was a single month, and we were working on the basis of two-month refreshes.

It's interesting, though, that what the honourable member doesn't want to speak to is the reality that, across those nine areas where we're measuring wait times, on the median or on the 90th percentile, they're only headed in one direction, and that's down.

What is sad is that this party is so desperate to be negative that they cannot stand in their places and acknowledge that across the breadth of health care, thousands and thousands of our dedicated health care professionals, leading innovation in the context of the public health care system, are delivering much more timely results for the people of the province of Ontario. That is the message with respect to wait times: They are only headed one way, and that is down. I rather suspect that through our efforts, this pattern will continue.

**Ms. Scott:** The simple fact is that you've said the University Health Network didn't report. However, as I

pointed out, in this report, they did. Deleting the July data lets you paint a better picture about the wait times than the actual reality that exists.

We're talking today about the ability of the McGuinty Liberals to present an accurate picture of reality to the people of Ontario. Minister, you're failing on that count. Will you restore the July data today, and why are you and your Premier still failing to be straight with Ontarians on the truth?

**Hon. Mr. Smitherman:** Well, I've tried never to fail with Ontarians to be honest that I'm gay, so I don't really understand the honourable member's instigation at the end of that question.

The reality is that we're being tremendously straight with the people of the province of Ontario, and the obvious evidence is that they're rather liking the way we're being straight with them. There's evidence that 700,000—

**Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):** It's always about you, George.

**Hon. Mr. Smitherman:** I doubt you have any evidence to back up any point like that.

I do think that one measure of the effectiveness of the strategy we've developed is that more than 700,000 people have logged on to the website that we have made available to them.

The reality is that that party was in office for eight and a half years, and at the end of that eight and a half years they could not even say how many cancer surgeries were being provided in the province of Ontario, much less what the wait time was. That information is now available to all Ontarians at [www.health.gov.on.ca](http://www.health.gov.on.ca).

### SOFTWOOD LUMBER

**Mr. Gilles Bisson (Timmins–James Bay):** My question is to the Minister of Natural Resources. Forest industry companies and workers across Ontario are angry because they're starting to find out that the Harper/McGuinty softwood lumber deal is a complete sell-out of the industry in Ontario. Groups like the Free Trade Lumber Council, which includes the Ontario Forest Industries Association and most major softwood producers in Ontario, want to know why you support a softwood deal where the US gave up nothing and now mills may close and good jobs are at risk. Will you, Minister, finally admit that the deal that was inked a couple of weeks ago is a bad one for Ontario?

**Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs):** First of all, I think the member has to understand that this was a negotiation between two sovereign countries, but I do support it. I think it is a good deal for Ontario, and I will tell you why.

For the last five years, our softwood industry has had no certainty as to how much they can sell into the American market, and selling into it, what started to be a 30% tariff rate is now down to 10%. So now we have a deal for seven years, if finalized, that gives certainty.



Today, at the prices of lumber landing in the United States, there would be no tariff at all.

**Mr. Bisson:** Minister, the softwood lumber deal is a deal between two consenting adults—Dalton McGuinty and Stephen Harper—and we, as citizens, are the ones who are caught in between. Quotas, export taxes and a billion dollars in illegal tariffs are left on the table. We have quotas that are imposed as of this day. We have the whole issue of tariffs also imposed. The industry is up in arms. They're saying this deal is going to do nothing to save the jobs that we need to save in northern Ontario. Will you finally admit that this deal is not one that is to the benefit of Ontario, and will you go back and try to get a better deal for our province?

**Hon. Mr. Ramsay:** I know the member knows that this is a negotiation between the United States of America and the Dominion of Canada. That's what this is. Where we certainly got involved—I was very concerned a couple of weeks ago when it looked like the deal was going to short Ontario its historic market share. That's when I stood up for Ontario, as my colleagues do also, to make sure that we retained our historic market share.

But I think the member has to know, if he looks at his news clips, that the Buchanan company is now going to purchase the pulp and paper company in Terrace Bay, Neenah Paper. That is because Mr. Buchanan is getting his money back. He's going to put that to work and create jobs and build a sustainable forest industry in northern Ontario. So you're already seeing the positive ramifications of this deal going forward and more investment in this industry in northern Ontario.

#### APPRENTICESHIP TRAINING

**Mr. Bob Delaney (Mississauga West):** My question is for the Minister of Training, Colleges and Universities. Minister, our skilled trades in Ontario need more young people entering. Our aging workforce is going to hit the trades especially, and it will hit them hard unless we start early and invest in apprenticeship programs all across Ontario.

Even though Mississauga is an affluent community, our young people need access to apprenticeships in order that they won't be left behind through no fault of theirs if they are better suited for a career in the trades rather than a life of white-collar work.

Yesterday, our government took another proactive step to help apprentices in the trades. How does your announcement yesterday make it easier for young men and women across Ontario to pursue a career in the trades?

**Hon. Christopher Bentley (Minister of Training, Colleges and Universities):** I thank the member for the question and for his concern about ensuring our businesses and our province have the ability to meet our skilled trades needs. In fact, we've set goal of 26,000 new registrations by 2007-08, which is a \$7,000 increase over what we inherited.

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There are many routes to apprenticeships which, of course, lead to skilled trade journeypersons. We announced an increase to one of them just the other day. It was developed by my colleague and the Premier a couple of years ago. It's called the co-op diploma apprenticeship program. Before the announcement, it provided 1,600 students with the ability to obtain both pre-apprenticeship training and a college diploma. We announced an increase just the other day, \$11.5 million of increased funding, which will provide 900 more students with the ability to get into apprenticeships in trades such as electricians, millwrights, automotive technicians and the cooking arts—one more route to assist us in meeting our skilled trades needs for the future.

**Mr. Delaney:** Minister, I've been saying in a lot of the schools that I've visited for years that Ontario finally gets it in terms of what we need to ensure that Ontario grows its own carpenters, drywallers, bricklayers, plumbers, electricians, cement workers, painters. And that's just the building trades; that doesn't cover the other occupations. The years of neglect ended in 2003, but could you please update me: What other apprenticeship opportunities has Ontario created since the fall of 2003?

**Hon. Mr. Bentley:** We try to convince young people that a skilled trade is a great occupation, a great future. So we have the Ontario youth apprenticeship program, which this year provides more than 21,000 high school students with what it is to have a taste of the trades and earn a high school credit at the same time. Routes into apprenticeship: Apart from the co-op diploma apprenticeship program, we are funding 700 more students this year with pre-apprenticeship programs, again another route into an apprenticeship.

But it doesn't end there. We fund apprenticeship in-school training opportunities, almost \$10 million in the past year, and I have a funny feeling there will be more in the years to come. We provide our colleges with the college equipment fund, \$10 million this past year, to support increased enhanced college equipment for the best hands-on learning; and the apprenticeship enhancement fund, a specific fund of \$10 million to provide up-to-date equipment for those apprentices and pre-apprentices for hands-on learning opportunities.

I could speak more, Speaker, but I have a funny feeling you're going to call me—

**The Speaker (Hon. Michael A. Brown):** New question.

#### COAL-FIRED GENERATING STATIONS

**Mr. John Yakabuski (Renfrew-Nipissing-Pembroke):** My question is for the Minister of Energy. Minister, more on the credibility issue here: Yesterday, the Minister of the Environment and the Attorney General joined a lawsuit—now, this is priceless—to force six coal-fired plants to install modern pollution equipment. The duplicity of this is not lost on most Ontarians. It's sort of like when parents used to use the phrase, "Do as we say, not as we



do," and now we're doing it to our own children, of course. I understand that.

Minister, in order to strengthen your case, could you tell us and tell the people of Ontario how much you have invested as a government in installing those modern pollution controls on your coal plants here in the province of Ontario?

**Hon. Donna H. Cansfield (Minister of Energy):** I thank the member for his question. There are some scrubbers on both Nanticoke and Lambton, and they've been there for a while. That doesn't mean that they necessarily encourage less emissions. What the member forgets to tell folks is that when there are scrubbers on coal-fired plants, there still is something called liquid solid waste—sludge. And sludge is hazardous and still has to be dealt with.

Instead, what we've done—for example, with the member in Haldimand–Norfolk–Brant—is invested \$186 million in clean, green, renewable energy. They're called wind turbines. Done locally, with local people, that investment is in that community making a difference for the air that we breathe.

**Mr. Yakabuski:** Minister, your responses are getting weaker and weaker, because you understand more clearly every day what a failure your energy policy is. In fact, the sludge is getting hard to walk through in this chamber. It is time for the minister to reduce the rhetorical emissions and—no pun intended—come clean with the people of Ontario. Your plan is not working. It will not work. Your deadlines will not be met.

On the flip side, you're telling people in the United States that they must install pollution controls. But in this province, where we have not installed a single pollution control since you've been government, you continue to burn our coal stations with no mitigation. How do you square that with your record of challenging the Americans' coal emissions record?

**Hon. Mrs. Cansfield:** To the Minister of the Environment.

**Hon. Laurel C. Broten (Minister of the Environment):** I'm so pleased to have a chance to talk to this chamber about what I've been doing in Washington over the last couple of days. What I've been doing, my friends across the way, is standing up for Ontarians and ensuring that we have clean air in this province. In case you haven't paid attention to the statistics, some 50% of our air pollution comes forward from the US with the prevailing winds. What we did yesterday was stand side by side with the Department of Justice, the USEPA and a number of states as they moved forward in enforcing pollutant controls on coal plants that want to move backwards.

In this province, we are doing everything we can to move the yardstick forward to have cleaner-burning electricity, and the Minister of Energy is doing a fantastic job in moving that forward. What is happening across the border, unfortunately, is that those controls are being sought to be rolled back. What is at stake in this litigation is 300,000 tonnes of pollutants coming across the border.

I'm very proud to be standing side by side with the Department of Justice to make sure that stops happening.

## CARDIAC CARE

**Mr. Peter Kormos (Niagara Centre):** A question to the Minister of Health. Last year in Niagara region, 775 people used the services of Heart Niagara, and the number is expected to grow. The services are things like cardiac rehabilitation for heart attack victims, learning CPR and access to defibrillators. The problem is that this year you only allocated \$200,000 for cardiac services for all of Niagara. Officials at Heart Niagara tell us that's less than \$300 a person, far less than the \$1,000 a person received by other regions. Minister, when are you going to fund cardiac care in the Niagara region at the appropriate level?

**Hon. George Smitherman (Minister of Health and Long-Term Care):** As the honourable member may know, on the issue of inequitable funding with respect to other regions of the province, this is the issue that I've engaged at least one time in this Legislature with the honourable member from Kitchener, a former Minister of Health, because there is no doubt that some special deals were made during previous administrations that have created some inequity in the delivery of programs. We're working to try and make sure that there is equitable access in the province of Ontario.

I've had the opportunity to be provided with good information about the qualities of the Heart Niagara program. I'm operating off the top of my head here, but I do believe we've been working for a made-in-Niagara solution that also involves the capacities of Brock University, a well-known institution in Niagara. As we move towards the construction of a new hospital in Niagara, we of course recognize that the desire to have some cardiac services is going to be one important part of the debate. I think all these things help me to demonstrate the necessity of working together in Niagara to produce the best possible result that we can.

**Mr. Kormos:** Niagara patients are at risk of losing a very important cardiac care provider because of that funding double standard. Some regions get up to \$1,000 per person for cardiac care and all of Niagara only gets \$300. Karen Stearne, executive director of Heart Niagara, says it may have to close its doors on June 30. A resolution by its board says that the suggestion that cardiac rehabilitation services in Niagara will not be funded at the same level or by the same sources is an unacceptable solution to CR services in Niagara.

Minister, please. Heart Niagara is an important and integral part of that community. Will you ensure that it plays a continued role in the delivery of cardiac services in Niagara region?

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**Hon. Mr. Smitherman:** As I had the chance to say in my earlier answer, we're working towards a solution that is built in Niagara. Of course, this relates also to the referral hospital that is part and parcel of that work, the



Hamilton Health Sciences Centre. We know that Hamilton Health Sciences and the Niagara health system have been working together, and I believe Heart Niagara has been part of those conversations. I know that there was a meeting very recently to try and resolve these issues in a fashion which can create a more equitable circumstance across the province of Ontario and continue to support important work that has been ongoing.

We believe that the people in Niagara have the capacity to resolve these matters. Of course, we're very aware of the tremendous capacities of Heart Niagara. Accordingly, we'll continue to work on this issue with respect to a successful resolution to the benefit of the patients of Niagara.

#### ONTARIO DRUG BENEFIT PROGRAM

**Mr. Wayne Arthurs (Pickering-Ajax-Uxbridge):** I'm almost hesitant to ask my question to the Minister of Health and Long-Term Care, given the rather heavy workload he has had during this question period, but I'll take my chances regardless. Minister, I'd like to ask you about an initiative that's currently under way, something I believe all members in this House would agree is long overdue, and that's change to Ontario's drug system.

I understand the costs for this program have been skyrocketing over the past number of years and there are many shortcomings in how well it serves Ontarians. On the first point, yesterday I was reading a report released by the Canadian Institute for Health Information on drug spending in Canada. It said, "Drugs continue to be the fastest-growing category of health care spending, with drug spending estimated to have reached 17.5% of total health expenditure in 2005, almost double the 9.5% reported in 1985. Since 1997, drugs have accounted for the second-largest share after hospitals, among major categories of health spending." Minister, how can we ensure that we have a drug program that is sustainable?

**Hon. George Smitherman (Minister of Health and Long-Term Care):** That's a very timely question. I thought the report was rather fascinating for the evolution in fairly short order of a circumstance where the public and private investment in drugs has actually overcome the money that we spend on doctors, to become the second-highest item. This really does speak to the necessity of making sure that we're doing the very best here in the province of Ontario with the public's resource. We've seen a 12% increase annually over the past nine years. One of the things that I think is frustrating is that Ontario spends the second-highest amount per capita on drugs and yet not everyone is necessarily enamoured with the program that has emerged.

We believe fundamentally that we can get better value for the money we're spending and use all of those savings, channel all of those savings into being able to purchase a broader array of innovative products to the benefit of our patients. At the end of the day, we know that pharmaceutical products can be beneficial to our patients. What we're seeking to be able to do here in the

province of Ontario is to spend our money wisely and gain the best benefit possible so that we can expend it as far as possible. Accordingly, that's the centrepiece of the initiatives—

**The Speaker (Hon. Michael A. Brown):** Thank you. Supplementary.

**Mr. Arthurs:** Minister, I know that my constituents are anxious to see these kinds of initiatives move forward. It's clear that we need to have a sustainable drug system in order to be able to provide patients with the drugs they actually need.

Minister, I also want to confirm something with you on behalf of my constituents. In the course of finding ways to get more efficiency out of the drug system and out of drug spending, can you confirm that in no way will this mean that we'll be spending less on drugs in the future?

**Hon. Mr. Smitherman:** I think three points here are noteworthy. First, as we brought forward this package, we indicated very, very clearly that there's no change with respect to the benefits Ontarians are currently receiving. We have basically a flat line in terms of the costs this year, but that is because we anticipate savings which will all be channelled back into additional purchases. If we look forward to the projections that we've made with respect to these costs, it's our ministry's projection that our drug expenditure in 2007-08 would go up by more than 8% and by more than 11% in the two years that follow. We recognize that this is an area where we're going to continue to be under pressure for increased expenditure. We're planning for it, we're anticipating it, but more than anything else we're working to make sure that the patients of Ontario, the taxpayers of the province, get very, very good value for the dollars they're investing so that we can move forward with a broader range of innovative products to the benefit of our patients.

#### PUBLIC CONSULTATION

**Mrs. Christine Elliott (Whitby-Ajax):** My question is for the Acting Premier and also deals with issues of credibility. On April 27, the Premier stood in this Legislature and listed the names of a number of organizations that he said had been consulted with concerning Bill 107, the proposed human rights legislation. Since that time, it has become increasingly clear that your government really has no idea who was consulted with after all. I'm pleased to say that we've received confirmation from one group, the HIV and AIDS Legal Clinic, that actually had been consulted with, but we've received at least two letters from other organizations saying they were shocked to find out that they had been consulted with when in fact they had not been. In light of this, acting Premier, can you please explain to Ontarians why they should trust your government on anything, especially with respect to legislation dealing with this vital issue of human rights?

**Hon. George Smitherman (Minister of Health and Long-Term Care):** The honourable member is new, and



that will excuse, I think, circumstances that include the fact that she doesn't know this issue has been ongoing for something like a couple of decades. If you want to talk about it, the reality is that it is the honourable member the Attorney General who has had the courage to move forward on a piece of legislation that many, many people believed to be long-standing.

Metro Toronto Chinese and Southeast Asian Legal Clinic, League for Human Rights of B'nai Brith, South Asian Legal Clinic, African Canadian Legal Clinic, Ontarians with Disabilities Act Committee, Advocacy Resource Centre for the Handicapped, Centre for Equality Rights in Accommodation, Bromley Armstrong—

*Interjection.*

**Hon. Mr. Smitherman:** You're not in your seat.

Operation Black Vote Canada, Raj Anand, Nelligan O'Brien Payne, Gowlings, OPSEU, University of Ottawa, Ontario Civilian Commission on Police Services, Centre for Spanish Speaking Peoples, Ontario Labour Relations Board, Council of Ontario Universities, Ontario Public School—you get the point, less than halfway through the work, the very extensive consultation that was involved in this legislation coming forward. We're very proud of our government's commitment on that point.

**Mrs. Elliott:** Just to show what a big mess this is, I have to say that I'm quoting from the African Canadian Legal Clinic, which wrote to the Premier on May 1, stating, "You claimed in question period that the Attorney General had consulted with the African Canadian Legal Clinic on the bill. The African Canadian Legal Clinic has not been consulted at any time by the Attorney General on this bill." Now I'm going to have to paraphrase because I can't be unparliamentary. They continued, "It is a shame that you and your government continue to be unclear about the consultation process."

In a letter from the Metro Toronto Chinese and Southeast Asian Legal Clinic, also cited by you and also dated May 1, they said to the Premier that they were "shocked" to learn that he claimed they had been consulted. They continued, "We have much to be worried about regarding the true state of democracy in this province," if the Premier maintains this claim.

This is just another example of saying one thing and doing another. How can you even have any credibility with respect to the people of Ontario when you don't even know who he has consulted with?

**The Speaker (Hon. Michael A. Brown):** The question has been asked.

**Hon. Mr. Smitherman:** It's a wonder that the honourable member, knowing what she does about the history of the government that someone close to her served in, would dare to stand in her place and talk about a government's commitment to consultation. It is, after all, a long-standing practice now of our government that every substantive piece of legislation goes out for committee hearings. That party when in government randomly brought forward motions in this chamber that cut

off any access the public might have even to committee work.

To clarify: My understanding is that Avvy Go, someone well known to many of us, met on April 6 and was consulted. Similarly, the African Canadian Legal Clinic—Margaret Parsons and Marie Chen—met on April 7, 2005. Of course, I'm depending upon information that has been put forward in very, very good—

**The Speaker:** Thank you. New question.

## WASTE DIVERSION

**Mr. Peter Tabuns (Toronto-Danforth):** My question is for the Minister of the Environment. Instead of municipalities using their scarce resources to divert waste from landfills, some, such as York and Durham regions, are now actively pursuing expensive and dirty municipal waste incinerators, this despite the fact that modern incinerators still emit cancer-causing toxins such as dioxins, as well as heavy metals such as mercury, lead and cadmium. You promised a ban on landfilling organics and a 60% waste diversion rate across this province by 2008, not burning garbage. Will you step forward today with your 60% municipal waste diversion strategy so that dirty, unwanted waste incinerators aren't built in our communities?

1510

**Hon. Laurel C. Broten (Minister of the Environment):** I say the same thing in this Legislature that I have said to communities right across this province: Nothing prohibits anyone from seeking my ministry's approval of a new waste management technology, but our government's commitment to clean air and the environment and protecting the health of Ontarians is steadfast. So they should be absolutely clear that they have an opportunity to step forward. We do not cover our eyes and not examine new technology. We're open to examining new technology, but it has to be clean and it cannot take away from true recycling. It cannot discourage efforts to reduce, reuse and recycle waste.

I had an opportunity to talk about these initiatives at the Recycling Council of Ontario this morning. There are new ideas out there, and it is for our government to assist municipalities who are stepping forward to embrace the challenges and look at ways to deal with this issue in the 21st century.

**Mr. Tabuns:** Interesting answer, Minister. The task in the 21st century is not to destroy discarded materials but to stop making packaging and other products that have to be destroyed and then recycle what's left. Nova Scotia diverted 50% of its waste in the year 2000. The city of Edmonton leads the country with a 60% diversion rate. Yet Ontario languishes in the basement at just 34%. In your answer, you seem to have abandoned your goal of 60% waste diversion. Minister, instead of focusing on dirty incinerators, tell us: Will you announce your promised 60% waste diversion strategy today?

**Hon. Ms. Broten:** Perhaps my friend across was not listening. Our government is absolutely committed to



diversion, but it is not for us to stand here and tell municipalities that they should not look at the examination of new technology. We have communities such as York and Durham which, I believe, are doing a very good job as they look forward with a 25-year waste management strategy; the terms of reference of that EA have come forward to the ministry. It's the responsibility of all of us—the municipal leaders, the provincial government and my ministry—to work together to ensure that public health is maintained.

We are tackling this issue on many fronts. I have announced that I am seeking a review of the national packaging protocol. We absolutely need to reduce the amount of waste and the amount of packaging. We are coming at this issue on a number of fronts. We will meet the challenge of the 21st century, we will manage our waste responsibly in this province, and we will do so in collaboration, giving the municipalities the tools they need to move forward in that on a leadership front.

### RURAL ONTARIO

**Mr. John Wilkinson (Perth–Middlesex):** My question is for the Minister of Agriculture, Food and Rural Affairs. A recent poll of 500 eligible voters from across Ontario by SES Research/Osprey Media indicated that 215 respondents felt that our government has paid too much attention to cities and not enough to the province's smaller communities. In my experience, nothing could be further from the truth. In my predominantly rural riding, our government has made significant investments. For example, our government, through the standard offer contract, has opened up new, much-needed cash crops for my farmers; namely, renewable energy. In my riding, we've invested \$4.5 million at Lynn Cattle in Middlesex county, and \$1.7 million at Atwood Pet in Perth county for renewable projects based on biomass, plus new wind farms are being developed by the farmer-owned Country-side Energy Co-Op based in my riding.

Minister, please set the record straight: Does our government focus too much on cities and not enough on smaller rural communities?

**Hon. Leona Dombrowsky (Minister of Agriculture, Food and Rural Affairs):** I want to thank the honourable member, a strong advocate for rural communities, and certainly for the one he represents. It is an opportunity for me to restate for the people of Ontario our commitment to all the people of Ontario, which includes rural communities—our commitment to improving access to primary health services. That is why our government has committed and followed through with establishing family health teams across the province, most particularly in rural communities. That increases access to primary care.

We've also invested in rural schools. Although the previous government tends to forget this now, when they were in government they closed many of our small rural schools and reduced support to school boards so that many of our rural schools didn't have full-time prin-

cipals, secretaries or vice-principals. Our government has invested \$51 million in rural schools so we can keep our rural schools—

**The Speaker (Hon. Michael A. Brown):** Thank you. Supplementary?

**Mr. Wilkinson:** Minister, thank you for setting the record straight. I'm proud that since my election in 2003 our government has delivered, in health care in my riding, five new family health teams and a new \$1.5 million CT scanner in Stratford. Minister Smitherman has committed over \$30 million in capital grants for much-needed redevelopments at Listowel Memorial Hospital, Stratford General Hospital and Knollcrest Lodge in Milverton. Plus, we boosted operating funding for the Huron-Perth Healthcare Alliance by some \$5.1 million a year and increased long-term and community care spending. Funding is up by \$7.6 million. In education, peace and stability are in our classrooms, and that's been coupled with \$4.8 million for urgent repairs and construction in my rural schools. For my rural municipalities, provincial operating grants are up 37%, plus a whopping \$9 million for roads and bridges and over \$100 million in long-term, low-interest OSIFA loans.

Minister, it's apparent to me that our government is on the right track in rural Ontario. Am I wrong?

*Interjections.*

**Hon. Mrs. Dombrowsky:** I'd like to thank the honourable member for identifying the many important investments that we have been making across rural Ontario. I want to remind the members opposite who are heckling what you did in rural Ontario. You downloaded provincial highways to our local municipalities right across rural Ontario—a burden to their local taxpayers. You introduced regulation 170, which was going to close small schools right across rural Ontario. We fixed that. Our government has committed money for capital improvements for infrastructure that's long been needed.

So I say to the member who has asked the question and to all the members of this House: Our commitment to rural Ontario is solid. We have invested hundreds of millions of dollars to support infrastructure in rural municipalities and the people who live in rural communities, and they know the investments that we have made.

### HEART VALVES

**Mr. Frank Klees (Oak Ridges):** To the Minister of Health: Minister, you're probably aware that St. Jude Medical recalled heart valve products with Silzone coating and that we have, in the province of Ontario, some 1,193 patients who have received these valves. Are you aware that, first, there is a class-action lawsuit initiated as a result of this recall, and are you aware that patients who have these faulty valves are not being told by their surgeons but they're finding out that they have these valves that are being recalled when they get a call from lawyers letting them know about the class-action suit?

**Hon. George Smitherman (Minister of Health and Long-Term Care):** I will candidly say that that is not an



issue I have previously been apprised of. I appreciate the honourable member bringing it to my attention. We will consult promptly with the Cardiac Care Network and others that provide advice to us with respect to the appropriate response to this.

I have not been contacted by either doctors or lawyers on this matter, but would appreciate the opportunity to learn just a little bit more about it. I will endeavour to report back to the honourable member as promptly as I am able.

**Mr. Klees:** Thank you, Minister. I appreciate your response. This was brought to my attention by one of the patients who has these valves. He was disturbed, as you can well imagine, that within our medical system in the province of Ontario, there would not be an immediate response by the medical community to this.

I would just ask you this: Do you believe that it is important for patients to be contacted immediately by their surgeons to advise them of the potential risk of having these valves in their hearts?

**Hon. Mr. Smitherman:** It would be very irresponsible of me to stand up, having indicated what I just did, and answer the question that the honourable member has asked. I don't question his presentation of the information that he has, but I'm not certain that those are all of the facts that are available in the circumstance. Until such time as I've had a chance to apprise myself of them, I don't think it would be appropriate to comment. But as I said in my earlier answer, I will endeavour to get back to the honourable member promptly.

## VISITORS

**Mr. Gilles Bisson (Timmins-James Bay):** On a point of order, Mr. Speaker: I'm sure that all members in the assembly would like to know that former member of the Legislature Paul Klopp's wife is here, Heather, along with her sister Megan. We welcome them to the assembly.

1520

## PETITIONS

### ORGAN DONATION

**Mr. Frank Klees (Oak Ridges):** I have a petition that was sent to my attention by Ms. Pavla Horsak. I appreciate her work in gathering names for this petition. It reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas 1,920 Ontarians are currently on a waiting list for an organ transplant; and

"Whereas the number of Ontarians waiting for an organ transplant has virtually doubled since 1994; and

"Whereas hundreds die every year waiting for an organ transplant; and

"Whereas greater public education and awareness will increase the number of people who sign their organ donor

cards and increase the availability of organ transplants for Ontarians; and

"Whereas the private member's bill proposed by Oak Ridges MPP Frank Klees will require every resident 16 years of age and older to complete an organ donation question when applying for or renewing a driver's licence or provincial health card, thereby increasing public awareness of the importance of organ donation while respecting the right of every person to make a personal decision regarding the important issue of organ donation;

"We, the undersigned, petition the Legislative Assembly of Ontario to pass Bill 67, the Organ and Tissue Donation Mandatory Declaration Act, 2006."

As the sponsor of this bill, I am happy to add my signature and pass it on to page Philippe to present to the table.

## BORDER SECURITY

**Mr. Tony Ruprecht (Davenport):** I have a petition to the Legislative Assembly of Ontario and it reads as follows:

"Whereas the United States government, through the western hemisphere travel initiative, is proposing that American citizens require a passport or single-purpose travel card to travel back and forth across the Canadian border; and

"Whereas a passport or single-purpose travel card would be an added expense, and the inconvenience of having to apply for and carry a new document would be a barrier to many visitors; and

"Whereas this will mean the loss of up to 3.5 million US visitors in Ontario, losses of \$700 million, and the loss of 7,000 jobs in the Ontario tourism industry by the end of 2008; and

"Whereas many of the northern border states in the United States have expressed similar concerns regarding the substantial economic impact of the implementation of this plan; and

"Whereas the safe and efficient movement of people across the border is vital to the economies of both of our countries;

"Therefore be it resolved that we, the undersigned, respectfully petition the Legislative Assembly of Ontario to support the establishment of a bi-national group to consider alternatives to the proposed border requirements and inform Prime Minister Harper that his decision not to pursue this issue with the United States is ill-advised."

I'm very delighted to add my name to this petition.

**Mr. Bob Delaney (Mississauga West):** This is going to sound like déjà vu. I have a petition to the Ontario Legislative Assembly sent to me by a number of students who certainly share my feelings on the shameful neglect by the Harper government. It reads as follows—

**The Speaker (Hon. Michael A. Brown):** Order. Petitions are about reading petitions, not about editorializing on them, so let's just read the petition.

**Mr. Delaney:** The petition reads as follows:



"Whereas the United States government, through the western hemisphere travel initiative, is proposing that US citizens will require a passport or single-purpose travel card to cross the Canada-US border; and

"Whereas a passport or single-purpose travel card would be an added expense, and the inconvenience of having to apply for and carry a new document would be a barrier for many Canadian and US cross-border travelers; and

"Whereas the George Bush government proposal could mean a loss of as many as 3.5 million US visitors to Ontario, and place in peril as many as 7,000 jobs in the Ontario tourism industry by 2008, many of which are valuable entry-jobs for youth and new Canadians; and

"Whereas many of the US states bordering Canada have expressed similar concerns regarding the punitive economic impact of this plan, and both states and provinces along the US-Canada border recognize the importance of the safe and efficient movement of people across that border is vital to the economies of both countries;

"Be it therefore resolved that the Legislative Assembly of Ontario support the establishment of a bi-national group to establish an alternative to the proposed US border requirements, and inform Prime Minister Harper that his decision not to advocate on behalf of Ontarians is ill-advised and contrary to the responsibilities of elected representatives in Canada."

I certainly agree with this petition. I'll affix my signature and ask page Vanessa to carry it for me.

#### GAMMA FOUNDRIES

**Mr. Frank Klees (Oak Ridges):** The following petition relates to Gamma Foundries in Richmond Hill.

"Whereas all residents in the town of Richmond Hill have the right to enjoy their homes, property, neighbourhood and to breathe clean air; and

"Whereas Gamma Foundries, a division of Victaulic Co. of Canada Ltd., is clearly the identifiable and documented source of noxious fumes and odours in the Newkirk Road area of Richmond Hill; and

"Whereas Gamma Foundries has persistently failed to respond to the legitimate concerns of the community regarding these odours and emissions; and

"Whereas Gamma Foundries previously refused to initiate engineering solutions to these issues as identified in a report by Earth Tech and as ordered by the Ministry of the Environment; and

"Whereas the Ministry of the Environment has specifically directed Gamma Foundries to initiate engineered controls to address the adverse effects of these pollutants;

"We, the undersigned, petition the Parliament of Ontario and the Minister of the Environment to take all measures possible to enforce the director's order and to ensure that residents are afforded the right to enjoy their property and neighbourhood, as is their right under law."

I am pleased to affix my signature as the member for Oak Ridges, in which Richmond Hill resides, and I present it to page Conor.

#### GO TRANSIT TUNNEL

**Mr. Tony Ruprecht (Davenport):** I have a number of petitions which were given to me by the St. Clair West Revitalization Committee. The petition reads as follows:

"To the Parliament of Ontario, the minister of infrastructure services and the Minister of Transportation:

"Whereas GO Transit is presently planning to tunnel an area just south of St. Clair Avenue West and west of Old Weston Road, making it easier for GO trains to pass a major rail crossing;

"Whereas TTC is presently planning a TTC right-of-way along all of St. Clair Avenue West, including the bottleneck caused by the dilapidated St. Clair Avenue-Old Weston Road bridge;

"Whereas this bridge (underpass) will be: (1) too narrow for the planned TTC right-of-way, since it will leave only one lane for traffic; (2) it is not safe for pedestrians (it's about 50 metres long). It's dark and slopes on both east and west sides, creating high banks for 300 metres; and (3) it creates a divide, a no man's land, between Old Weston Road and Keele Street. (This was acceptable when the area consisted entirely of slaughterhouses, but now the area has 900 new homes);

"Therefore we, the undersigned, demand that GO Transit extend the tunnel beyond St. Clair Avenue West so that trains will pass under St. Clair Avenue West, thus eliminating this eyesore of a bridge with its high banks and blank walls. Instead it will create a dynamic, revitalized community enhanced by a beautiful continuous cityscape with easy traffic flow."

Since I'm 100% for this petition, I'm very happy to sign this as well.

#### GAMMA FOUNDRIES

**Mr. Frank Klees (Oak Ridges):** I have another petition here. It shows how important this issue is relating to Gamma Foundries, and it reads as follows:

"Whereas all residents in the town of Richmond Hill have the right to enjoy their homes, property, neighbourhood and to breathe clean air; and

"Whereas Gamma Foundries, a division of Victaulic Co. of Canada Ltd., is clearly the identifiable and documented source of noxious fumes and odours in the Newkirk Road area of Richmond Hill; and

"Whereas Gamma Foundries has persistently failed to respond to the legitimate concerns of the community regarding these odours and emissions; and

"Whereas Gamma Foundries previously refused to initiate engineering solutions to these issues as identified in a report by Earth Tech and as ordered by the Ministry of the Environment; and

"Whereas the Ministry of the Environment has specifically directed Gamma Foundries to initiate engineered controls to address the adverse effects of these pollutants;

"We, the undersigned, petition the Parliament of Ontario and the Minister of the Environment to take all measures possible to enforce the director's order and to



ensure that residents are afforded the right to enjoy their property and neighbourhood, as is their right under law.”

I’m pleased to affix my signature and to ask page Zachery to deliver this to the table.

1530

### IDENTITY THEFT

**Mr. Tony Ruprecht (Davenport):** Just an added note to this petition. This petition is very close to my heart because it speaks of identity theft. It reads as follows:

“To the Parliament of Ontario and the Minister of Government Services:

“Whereas identity theft is the fastest-growing crime in North America;

“Whereas confidential and private information is being stolen on a regular basis, affecting literally thousands of people;

“Whereas the cost of this crime exceeds billions of dollars;

“Whereas countless hours are wasted to restore one’s good credit rating; and

“Whereas we, the undersigned, demand that Bill 38, which passed the second reading unanimously in the Ontario Legislature on December 8, 2005, be brought before committee and that the following issues be included for consideration and debate:

“(1) All consumer reports should be provided in a truncated (masked-out) form, protecting our vital private information, such as SIN and credit card numbers.

“(2) Should a credit bureau discover that there has been a breach of consumer information, the agency should immediately inform the victimized consumer.

“(3) Credit bureaus should only report inquiries resulting out of actual applications for credit and for no other reason.

“(4) Credit bureaus should investigate any complaints within 30 days and correct or automatically delete any information found unconfirmed or inaccurate.”

I’m delighted that this petition has come to me. It was given to me by the Consumer Federation of Canada. I’m very happy to sign this petition.

### NATIVE LAND DISPUTE

**Mr. Jerry J. Ouellette (Oshawa):** I have a petition to the Legislative Assembly of Ontario.

“Whereas the McGuinty government was notified of this land issue over a year ago; and

“Whereas the standoff has been ongoing since February 28, 2006; and

“Whereas there has been no leadership from senior levels of government;

“We, the undersigned, demand that the McGuinty Liberals start showing some real, consistent and timely leadership in dealing with the current standoff in Caledonia.”

I affix my signature in support of the petition.

### LONG-TERM CARE

**Mr. Frank Klees (Oak Ridges):** This petition is to the Legislative Assembly of Ontario. It reads as follows:

“Whereas long-term-care funding levels are too low to enable homes to provide the care and services our aging seniors and parents who are residents of long-term-care homes need, with the respect and dignity that they deserve; and

“Whereas, even with recent funding increases and a dedicated staff who do more than their best, there is still not enough time available to provide the care residents need. For example, 10 minutes, and sometimes less, is simply not enough time to assist a resident to get up, dressed, to the bathroom and then to the dining room for breakfast; and

“Whereas those unacceptable care and service levels are now at risk of declining;

“We, the undersigned, who are members of family councils, residents’ councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007).”

I’m pleased to affix my signature and ask page Alicia to present it to the table.

### PROPERTY TAXATION

**Mr. Tony Ruprecht (Davenport):** I have a petition that was handed to me by the Garrison Creek River Association. It’s against MPAC. It’s addressed to the Parliament of Ontario and specifically to the Minister of Finance. It reads as follows:

“We, the undersigned property owners and tenants, strongly oppose the current value assessment. The 2003, 2004, 2005 CVA”—that’s the current value assessment—“is too high, and we will show strong resistance. There may be a tax revolt.

“We believe the municipal tax system should reflect the following principles: (1) Ability to pay should be a consideration; (2) property taxes should be related to services 100%; (3) homeowners should not be penalized for improving their properties; (4) dependence on the residential property tax to raise provincial and municipal revenues should be reduced; (5) the assessment system should be stable over a long period of time”—that is, 10 years—“(6) assessments should be objective, accurate, consistent, correct, equitable and easily understood—house S.F./class/price; lot S.F./class/price, garage S.F./class/price; and (7) the owner should be authorized to approve the assessment.

“Most of our funding has come from ratepayers’ groups and citizens from across the city of Toronto.”

I’m delighted to present this petition.



## BUSINESS OF THE HOUSE

**Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader):** On a point of order, Mr. Speaker: I want to rise pursuant to standing order 55 and give the Legislature the business of the House for next week.

On Monday, May 15, in the afternoon, second reading of Bill 43, the Clean Water Act; in the evening, second reading of Bill 109, the Residential Tenancies Act.

On Tuesday, May 16, in the afternoon, opposition day standing in the name of Mr. Runciman; in the evening, second reading of Bill 109, the Residential Tenancies Act.

On Wednesday, May 17, second reading of Bill 107, the Human Rights Code Amendment Act.

On Thursday, May 18, in the afternoon, second reading of Bill 52, the Education Statute Law Amendment Act (Learning to Age 18).

## ORDERS OF THE DAY

## RESIDENTIAL TENANCIES ACT, 2006

LOI DE 2006 SUR LA LOCATION  
À USAGE D'HABITATION

Resuming the debate adjourned on May 9, 2006, on the motion for second reading of Bill 109, An Act to revise the law governing residential tenancies / Projet de loi 109, Loi révisant le droit régissant la location à usage d'habitation.

**The Speaker (Hon. Michael A. Brown):** Further debate?

**Ms. Kathleen O. Wynne (Don Valley West):** I'm very happy to rise to speak to Bill 109. It's one of the pieces of legislation that I have anticipated. It's something that I believe is very necessary for my riding in particular, Don Valley West, and I believe it's important for strong, healthy communities around this province.

I think what this legislation demonstrates is our government's commitment to fairness and the reality that we're onside with people in Ontario who believe that all residents, whether they are tenants or whether they own their homes, have a right to adequately maintained, affordable housing. So I'm very happy that this legislation has come forward.

I want to give a little bit of background on Don Valley West and demonstrate why it's so important to me that this legislation come forward. Don Valley West is the home to roughly 45,000 households. About 50% of those are owned and the other 50% are rental units, so this is an incredibly significant area of policy for Don Valley West.

In addition to that, there are conflicting numbers, but between 1997 and 2002, rents in Toronto rose somewhere between 21% and 30%. If, as this legislation lays out, rent increases had been tied to the consumer price index, those guideline increases would have been in the

order of 14%. It's quite clear that a transparent, trackable and rational way of having a guideline around rent increases is very important and is going to help people, especially those who are in the lower socio-economic parts of our community.

The issue that we're confronting here is housing. We're confronting the issue of strong communities and how in a strong community we must have affordable housing; we must have adequately maintained housing. I'll come back to this at the end of my remarks if I have time, but the issue of affordable housing is one we have taken on quite separately from this. This legislation supports that, but we've made a number of advances on the affordable housing count, and I will come back to that.

1540

I want to speak right now from the tenants' perspective on Bill 109, although this legislation does put provisions in place that will protect landlords as well, so it's a very balanced piece of legislation. But in the few minutes that I have, I want to talk specifically about the legislation from the tenants' perspective.

In my constituency office, we get a lot of people calling and coming in and talking about tenancy issues. The top four issues my staff deal with are these:

The first one is that there is no reduction in rent when costs have been added on to the rental costs of tenants and those costs are no longer borne by the landlord. The landlord applies for an above-guideline increase, that above-guideline increase is put on the rent, and when the capital expenditure or the cost that has precipitated that increase is no longer borne, that cost does not come off the rent. "Costs no longer borne" is what the folks in the tenants advocacy area talk about. That's the first issue we deal with.

The second issue we deal with I characterize as maintenance costs that are really characterized as capital costs, as capital investment. There has been a history in some parts of the riding, and certainly in some parts of the city, where things have been called capital costs when in fact they're either cosmetic or should be routine maintenance.

The third issue tenants come to me to talk about is the issue of tenants being billed and rents being increased when work has not been completed or there's no sign it's going to be completed.

The fourth issue tenants come to us about is the unfair eviction process.

I want to speak parochially because this is such an important issue for Don Valley West. I want to say that Bill 109, if passed, will address each one of those issues, and those issues are top of mind for the tenants who come into my constituency office.

On costs no longer borne, the current system is that there's no provision to reverse ordered rent increases for increased utility costs, for example, if these costs later decrease. With Bill 109, if it's passed, landlords would be required to reduce the rent of sitting tenants accordingly when utility costs decrease. Also on costs no longer borne, there are currently no rent reductions when capital items are paid off. Under the new system, if Bill 109



passes, landlords would be required to remove increases from rents of sitting tenants after the expenditure items are paid for. In other words, tenants would not continue to pay for any items after they've been paid off. That's a huge change for tenants in the province.

On the issue of maintenance and capital, the second issue tenants bring to me, section 126(7) of the bill lays out the expenditures that will be eligible to be characterized as capital expenditures. It puts right in the legislation that there are certain costs that can be characterized as capital and others that can't be.

It says that "a capital expenditure is an eligible capital expenditure for the purposes of this section if ... it is necessary to protect or restore the physical integrity of the residential complex or part of it" or if it is necessary to comply with another section, and that other section lays out changes that have to do with garbage removal, snow removal and those kinds of things. It's a capital expenditure if "it is necessary to maintain the provision of a plumbing, heating, mechanical, electrical, ventilation or air conditioning system ... it provides access for persons with disabilities ... it promotes energy or water conservation ... it maintains or improves the security of the residential complex or part of it."

In other words, a capital expenditure is not going to be a paint job. It's not going to be a cosmetic fix that could in no way be characterized as a capital expenditure that has to do with the structure or safety of the building. That again is a very important definition that is going to help both landlords and tenants to clarify what is a maintenance expense and what is a capital expenditure. I think that's a really important section and it deals with that definition of maintenance and capital.

On the completion of work orders, what Bill 109 will allow, if it becomes law, is that tenants can apply to the Landlord and Tenant Board, which is currently called the Ontario Rental Housing Tribunal, to stop all rent increases if there are serious outstanding maintenance issues or work orders. When I talk about this legislation, I talk about it being balanced and I also talk about the fact that this legislation protects good landlords and it protects good tenants. So in a case like this where there are serious outstanding work orders, a tenant can go to the Landlord and Tenant Board and the rent increases will not be allowed if those work orders can be demonstrated not to have been completed. That's a protection for the tenant, and obviously a good landlord is not going to let work orders build up and is going to complete those work orders, so there's no threat to a good landlord in that.

On the unfair eviction process, currently tenants can be evicted by default if they do not dispute the eviction application in writing within five days and this follows a 14-day non-payment period. If this becomes law, the five-day default eviction process would be eliminated, so that tenants would no longer be automatically evicted without a hearing being held. A tenant would be allowed to pay rent in arrears and related costs to the Landlord and Tenant Board to avoid the eviction order any time up

until the sheriff enforces the eviction. A tenant would only be allowed to use this mechanism once in a tenancy, but it would allow for that automatic eviction not to happen and would give tenants time and an opportunity to the pay their rent.

So on the four issues that I hear the most about in my constituency office, Bill 109 is going to change the situation and is going to make the situation fairer for landlords and for tenants.

I want to acknowledge some of the people in Don Valley West who worked so hard with me before my election in 2003 to bring me up to speed on these issues and who have worked with me to get information to tenants in my riding. These people worked through the Harris and Eves years to oppose the unfair Tenant Protection Act, which of course was not a tenant protection act at all—it was an act that was not fair, especially for tenants—people like Bob Gottschalk, who unfortunately is no longer with us, but who worked very hard in the Carluke area of the riding, pulled people together, talked about tenant issues and informed local politicians about the issues that tenants were dealing with; Abdul Ingar, Abdul Madhani, Ali Baig, Pat Moore, Abbas Kolia, and all the folks at the Flemingdon Community Legal Services, especially Brook Physick. All of these people have worked for years to bring tenants together and help them understand the legalities and the problems with the legislation that's been in place up until now.

I'm going to go back to these folks. I'm going to be taking them Bill 109 now that it's before the Legislature and I'm going to be looking for feedback from them and from the tenants they represent and work with, and try to get the information from those tenants on how they feel about it. On the face of it, this legislation is about a relationship between landlords and tenants. It's about that mechanical relationship. But underlying those legalities, we're talking about issues of community. We're talking about ensuring that Ontarians have a decent place to live. We're talking about a responsibility that we take very seriously.

I want you to understand that this is something that not everyone who lives in a rental unit has the time to deal with. People who are struggling to make ends meet don't always have the time to be involved in ratepayers' groups or tenants' groups. They don't always have time to bring their concerns to their city councillors or to their members of provincial Parliament. So when I ran for office in 2003 and I knocked on 40,000 doors, about 20,000 of those doors were the doors of tenants. I'll be proud to go back to those doors. I'll be proud to tell them that we have brought forward legislation that's going to improve their relationship with their landlords, that's going to improve their ability to get the work done in their buildings that needs to be done and is basically going to make the landlord-tenant relationship a more judicious and fair one in this province. I'm very proud to be supporting Bill 109.



1550

**The Acting Speaker (Mr. Ted Chudleigh):** Questions and comments? The member from over there.

**Mrs. Julia Munro (York North):** York North. I'm pleased to add a couple of comments here. I think that while the member opposite has outlined the various aspects of the bill that she has chosen to do, one of the things she made reference to was the fact that it's for good tenants and good landlords. I think that it's an interesting comment to make, because the vast majority of people are either good tenants or good landlords. Quite frankly, the notion of legislation that's required is generally looking at the fact that there are always an unfortunate number of people who have great difficulty being good tenants or good landlords. The question, always, in trying to present any piece of legislation in this frankly very complex area is the question of always remembering that the vast majority of people are either good tenants or good landlords. They must be in a legislative framework that doesn't put undue burden on them and make it appear that they're all characterized as people who need some kind of draconian system to keep the system going. Of course, that begs the question of the fact that today's rental market is, frankly, the healthiest that we have seen in many decades. I would caution that the question of maintaining that balance and that health can't be jeopardized by this legislation.

**Mr. Peter Tabuns (Toronto-Danforth):** This bill has some elements in it that I think tenants will welcome—more protection around arbitrary eviction. But there are some other elements there that are profoundly problematic. The first, really, is the question of vacancy decontrol. The McGuinty Liberal government, during the last election, promised to end vacancy decontrol. This is the opportunity to do it. This is the time, with high vacancy rates, when the market's relatively flat, when there's an opportunity to legislate protection of tenants to give the population of this province the kind of protection that they will need over the long term, because I can say that when the vacancy rate tightens, when landlords start taking advantage of that opportunity to crank up the rents so they can crank up return on investment, the political difficulties of moving forward with the elimination of vacancy decontrol will be far more difficult to get through and highly problematic for tenants.

The retention of vacancy decontrol means that, every year, thousands of units leave the rent control system and that, over time, more and more of that housing that's crucial to a substantial portion of the population of this province becomes unaffordable to them. The median income of tenants in this province is approximately half that of those who are homeowners. They rely on housing that they can afford to keep a roof over their heads. This bill, essentially, is coasting on current low interest rates, the current booming condo market, to protect tenants. That is not adequate. That's not right. It has to be changed.

**Mr. Brad Duguid (Scarborough Centre):** I want to begin by thanking, on behalf of government members, I

think on behalf of every member of this Legislature and on behalf of tenants across Ontario, the member for Don Valley West, Kathleen Wynne. There has not been a more strenuous advocate for tenants, a more effective advocate for tenants that I can remember in this Legislature. This bill would not have taken the shape it has, had it not been for the hard work and interventions of the member for Don Valley West.

The first tenant meeting I had an opportunity to go to as PA for municipal affairs and housing was in her riding. She was the first member to pull together her tenants in anticipation that we were moving forward with these reforms to the Tenant Protection Act. There are many aspects of this bill that are here in large part due to the efforts of the member for Don Valley West. I think of the changes to the eviction process. I know for a fact that Kathleen Wynne advocated very hard for those changes. She felt that the five days the previous legislation provided for tenants to respond to eviction notices was completely unfair. Her advocacy brought us not only to the point of amending that particular process, but of rejecting that process altogether to bring in a fairer process where each and every tenant got a hearing. That came about as a result of the interventions of this particular member.

When I look at the issues we've dealt with in terms of trying to improve maintenance, making sure that landlords do not get increases in rent when buildings aren't properly maintained, that is there because of the interventions of this particular member; others as well, but she led the charge on those issues. I think this chamber and all tenants owe her a great debt because of that.

**Mr. Jerry J. Ouellette (Oshawa):** I'm going to follow up on my colleague "the member from over there," as mentioned, better known as the member for York North, regarding good tenants and bad tenants. When you bring forward pieces of legislation in this fashion, you try to bring forward a composite to deal with the good players in the system. The difficulty lies in the boundaries when individuals, both landlords and tenants—quite frankly, the ones we as MPPs usually hear about from tenants are problem landlords, and from landlords, problem tenants. How do you deal with and address that issue? I'm going to be speaking to the bill later on the municipalities' ability to deal with situations like that.

Right now, I'm working on a case in Oshawa. It's been listed as one of the crack houses, and they're having difficulty, both in the municipal and the policing sectors, trying to address this issue. The landlord is one of those who doesn't really care what goes on, so long as the rent comes in at the end of the month. How does a municipality address that whole issue and come forward? Hopefully, we'll be able to find some way that we can assist municipalities to deal with these issues.

As well, the member from Toronto-Danforth spoke about vacancy decontrol. My understanding is that the key reason—I believe the member mentioned four reasons, but I think the number one reason was vacancy decontrol, whereby, when a location becomes available,



the landlord has the ability to increase the rent. I thought the intention would have been to maintain current rents in those areas.

I certainly hope we'll be able to get some questions as we bring forward and debate this issue a little bit later.

**The Acting Speaker:** The member for Don Valley West has two minutes to respond.

**Ms. Wynne:** Thank you for the comments from my colleague members. Just in response to the member for Oshawa, vacancy decontrol is not one of the top issues that tenants come in to talk to me about, interestingly. What we've done is leave the opportunity for landlords to negotiate rents with new tenants.

The member for Scarborough Centre is way too kind when he talks about my role in this. This has been a team effort. I have to say that the members of our government who have been city councillors have a deep understanding of these issues. The member for Scarborough Centre took the lead on that, as someone who has been on city council and really understands how this relationship between landlords and tenants works. They have been of great help, along with the Minister of Municipal Affairs and Housing, in bringing this legislation forward, and we're very grateful for that in Don Valley West.

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One of the issues we're dealing with, and I spoke to it at the beginning of my remarks, is the need for affordable housing, and I just want to talk about the progress we've made so far.

We've put in place funding for 94 housing projects, 5,000 units, including 4,300 rental units; some 1,500 units are occupied, 1,900 are under construction and 900 units are in advanced planning approval. So we're well on the way to having more units of affordable housing up and running in the province and having people live in them. That is the issue confronting us around affordable housing: We don't have enough units. The waiting lists for Toronto community housing are huge and affordable units in rental buildings are not available. So that's a big issue that we're confronting in other ways.

**The Acting Speaker:** Further debate?

**Mr. Ouellette:** I appreciate the opportunity to stand and address Bill 109, An Act to revise the law governing residential tenancies.

There are a number of issues that I want to bring forward and address on this. I briefly mentioned one that I'll probably get into a little bit later on.

The previous member was speaking about affordable housing. We see the stats coming in and I think the stats show that there was an average decrease in rent overall, province-wide, by 0.7% in 2005. So if rents are going down, why is it necessary to find these cases of affordable housing; not only that, when you have the vacancy rate that's currently stated at 3.7%? As I recall, probably going back to 1995, it was 1.9% at that time, Mr. Speaker, when—

*Interjection.*

**Mr. Ouellette:** It was less than that? It very well could have been, but I remember it as about 1.9%. I'll

take your lead on it, Mr. Speaker; possibly as low as 1.4%. How's that? But you've virtually doubled the vacancy rate within the province of Ontario. Obviously, those who are tenants or landlords would know what we're referring to, but for those who are watching, it's the number of vacant or available spaces related to the number of units available throughout the province of Ontario, and we're seeing an increase in that. That's gone up to 3.7%, which means a number of things. Individuals are purchasing houses and making more vacancies available and/or landlords are putting up new facilities to make places available for individuals to reside in. Either side, the case is that the increase in vacancies would indicate that there are more people who have choice out there to determine where they want to live.

Now, some of the sections on the bill—for example, part III dealing with sections 26 and 27, where the member opposite spoke about the 24-hour notice, says that notification has to go out for inspection purposes and those aspects. What happens is, you can provide 24-hour notice to a tenant to go in and upgrade a facility or inspect a facility and things along those lines it. But there is no specific breakdown—possibly it's done in regulations and possibly the parliamentary assistant to the minister could clarify—as to how you verify that the notification has gone through. Does it have to go through a sheriff? Is it a simple letter? In certain situations and cases, what do you do when individuals are not able to be available, if they're, like everybody else—well, a lot of people have the ability to go on holidays and things like that. Certainly some of those notifications and what a verification of notification is would be a good sense in dealing with an issue like this.

Also, part VIII, sections 120 to 123, deals with the rent increase guidelines. In the past, I've had a number of landlords into the office who complained about the inability to raise their rents when the property values, as is the case in Oshawa, have gone up quite considerably in previous years, as have their tax rates for those areas, and they don't necessarily reflect the increase being allowed on the actual units. I have always asked those individuals, "Have you been taking those allowable rent increases," which could have been 1.7%, 1.3%, 1.2%, "over the past 10 years?" Their response to me typically when they come in is they don't understand the full act and gaining knowledge of what their rights are as landlords. "Well, did you increase them?" Every one of them that has come in has said, "No. Why would I increase 1.2%, to go through the hassle?" I've said, "Do you know you're allowed to compile those?" So over the years, that 1.7%, 1.3%, 1.2% in a 10-year period could add up. In this particular case that comes to mind, it was about a 15% increase in the rent. They were quite surprised that you could do that.

From what I'm seeing in the legislation, I'm not sure that the consumer price index that's being allowed as the rent guideline for increase is going to be allowed to compile over the years if the individuals do not increase their rents on a yearly basis. If you don't increase it, does



that mean that that year's increase is gone, or is it going to be the same fashion as in the past, where you're allowed to increase the amount based on the CPI that is going to be used as an indicator for allowable rental increases? That would be a question that I hope the minister or the PA would bring forward and answer.

Some of the other areas are, for example, when a renovation takes place. The previous government member spoke about the fact that the capital allowance was allowed to be increased on the rent. So if, for example, a landlord comes in and puts a \$100,000 investment in capital expansion, once that initial \$100,000 has been paid off, that portion of the rent is then removed, and I don't think anybody has a problem with that. The difficulty—and I don't see any provision in there—would be that the value of the property would then go up and the assessed value of the property would then go up respectively, potentially by some considerable amounts in some cases. Then the tax increase in those areas could potentially go up as well. How is it that the appraised value of the location would be allowed to increase to represent the increase in potential taxes in that area? How do you come forward and deal with that? There's a 3% maximum allowance, and once it's paid off—hopefully they can address some of those issues as well.

Some of the other areas: They talk about the distribution of an information pamphlet, and I'll just read some of the comments passed on to us by our people: "Distributing an information pamphlet: A pamphlet with information on the responsibilities of landlords and tenants, the role of the board and contact details would be given to all tenants by landlords when they move in." So long as it's used correctly—I think if they take it to the point—although there are probably costs incurred by landlords in distribution, within the individuals to produce it, if it's specifically identified. For example, if an individual moves into a facility and it's expected—I mean the legislation states that no increases in rent are allowed for the year, which is fine. But within a five-year period, if there's going to be a considerable capital expansion, if it needs a new roof, new parking facilities, or whatever the case may be, that's allowed within the legislation, should the pamphlet include some of the detailed information so that the individual moving into that rental situation would be able to identify the future projected potential increased costs that could be expected if a new roof is expected? Would that mean the landlord would have to give details, or should the pamphlet include details of "Recently we've got a new roof, we've got new air conditioning," whatever the case may be in that particular facility, to ensure that the individual realizes that there shouldn't be a capital expansion cost within the next five years or a period of time?

Some of it would be, how do you compensate the landlord for providing that information, for determining an expected plan? Are you expected to put forward a plan, and should that information be included in that pamphlet? I'm not sure what the full intention of the pamphlet and distribution of the information would be.

Who prepares it? Is it the ministry, is it the landlord, and what is the total content going to be?

Some of the other areas: excessive and wilful damage. I'm hearing different things about this. As the member mentioned, it removes the five-day period for some of the process for eviction, not necessarily with the excessive and wilful damage. However, when an individual doesn't appear at a hearing, then the process really begins again and we start back at the start. I think the member mentioned that it can take place once. Doesn't that actually increase the amount of time the eviction process can take when dealing with these issues, because for non-compliance of showing—as I said, we're not dealing with the good tenants and the bad tenants. It's the individuals who are on the fringe who cause all the problems, the ones we hear about in our office, whether it's a tenant or a landlord. Believe me, we've had a number of cases whereby we've had tenants and a landlord, and we've gone in and had to deal with them in a heavy-handed fashion because of what was taking place.

#### 1610

Certainly we comply with all the guidelines and laws that are out there, but sometimes, as reported to me by individuals, you have to go to the police or to the city to try to resolve it. In this particular case, a crack house situation, the local residents don't know what to do. They're concerned with their safety and their family's safety and how they deal with this particular case.

Where I was, there was one facility that had a multi-unit residential site. They didn't care who they rented to. As to some of the problems that were there, quite frankly, they didn't care. The landlord never showed up. He never did anything about it. This was before becoming elected. I found out through my sources who the landlord was at that time. I called the landlord and I specifically laid out that, "Every time these individuals wake me up at 3 o'clock in the morning"—excessive noise and things like that are listed in the legislation—"I'm going to be calling your house and you better answer your phone." I left a message because the individual refused to answer the phone. I said, "If you don't answer your phone, I'm going to come"—I gave the address of the landlord to him—"and I'm going to knock on your door until you get out of bed, in the same fashion I have to get out of bed." These are the problem individuals, tenants or landlords, that you try to address with some of this legislation.

The concern there was the eviction process. We're hearing different things, that it could potentially be extended as opposed to cut in half, as listed in the legislation.

Earlier, this morning, we had a private member's bill that tried to address criminal activity in a house. That bill in itself, dealing with renters and providing information for future individuals—it was brought up that something regarding this piece of legislation should be introduced and included in this, although I think that if it were to be introduced as an amendment to the bill, it would be perceived to be beyond the scope of the bill. The member's intention was that if it was, for example, a



grow-op house, and the people after it were moving in, there could be some concern about the chemicals and all the other things being done in there.

If there is some form of not only the municipality or the police—the problem with the private member's bill this morning was that I didn't see a reporting agency or who was responsible for monitoring and keeping the information and passing it on. In the same fashion, how do we move forward in protecting future individuals who are good tenants? There is a great number of them out there in all our ridings, and great landlords out there. But it's with those individuals who cause the problems, whether it's crack houses and these sorts of things, that you address those issues in ensuring that future individuals are aware of what is going on there.

I think the government member's bill had a good intent, and that was trying to identify problem locations. It could be the crack houses or grow-op situations that he was trying to identify there. Hopefully, the government will take a look at that and try to address some of those things in this legislation so that it can be brought forward and dealt with, so that our municipality or police force, which I've been in contact with about a number of houses, can address those issues, can look at that and try to find some way to resolve it.

Another area I wanted to talk about was the last month's rent. That was another aspect that was brought to my attention. As an elected official, you're expected to know all the details about every piece of legislation, and sometimes it's difficult. It happened to be a tenant who brought it to my attention, and I realized that landlords had to return the interest on the last month's rent that was going to be paid. This legislation clarifies that issue in that the landlord can keep the interest on it. But that causes problems as well: Is it just new tenants, or is it the current ones on holding last month's rents? Hopefully, they'll be able to answer that question for somebody who has been expecting or anticipating for 10 or 20 years, whatever the case may be. I know individuals who have been saving up for their house. Granted, the interest on that can compound and go forward, but is that interest now still applicable and going to come back to them or is it just on new positions or new rental units proceeding with the legislation? Not only that, but there's keeping the interest on the deposit.

Everybody pays a first and a last month's rent. Typically, what takes place is the last month's rent is designed to go into an account and stay there so that at the end, normally what's supposed to happen is the interest on that last month's rent reverts back to the original tenant at the end of the time, when they're finished their period in the location. The difficulty now is what happens when the rent goes up over those years? Is that still going to apply or not? I'm not sure how it's going to work out in that area.

Tenant definition: I know there were some areas in there that spoke about how in the event that a spouse passes on, it reverts to the spouse in the location. How does that work if somebody doesn't actually reside in that

location? If there is a tenant who passes on and their spouse or whatever the case may be is not currently residing at that location, do they have to reside there in order for it to revert to the spouse? In some cases, individuals go through difficult times. I know certain situations where, for this particular piece of legislation, individuals like Ron would have been very concerned about how it would unfold, as it would revert to his wife. In this particular case, they were not together at that particular time. Does it clearly lay out the grounds on which you have to reside in the facility in order for it to revert to the spouse or not? That would be one of the questions I hope they would be able to answer.

One of the other areas that I'm going to briefly touch on is the smart metering aspect, which is listed in the legislation. I'm questioning why they would bring smart metering right into legislation. Is this going to imply that every time something happens with smart meters, it's going to be brought forward? It's listed in here how it's going to play out—the notification of smart meters and all those aspects. Hopefully, we'll be able to get some details, possibly through the committee process, on how that's going to unfold.

I noticed that they also speak in a number of specific sites through the legislation about energy-efficient appliances. It certainly implies, or there's something unwritten in there and through the regulations, that where the lay-person's terms come forward in understanding the legislation—what that's going to mean regarding energy-efficient appliances, although it is specifically listed in certain areas.

As I mentioned before, the member from Don Valley West brought forward comments about affordable housing. Currently, we're seeing a vacancy rate of about 3.7%, which is a good rate for those who don't understand the process. I should add that it's projected to remain in that area until about 2009. As well, in 2005, we saw a decrease of about 0.7% on average, which indicates that the rental rates are going down, which is a good sign for individuals who are looking for a new places. When you're talking about affordable ones, this certainly addresses the issue of decreasing rates for 2005 on average.

I believe that rent increases for the capital expansion, once paid off, would be a good thing, but how does it all play out in the grand picture?

There are certainly some strong concerns that through the eviction process, although it specifically states that it cuts those time frames in half, when you actually read it, potentially, by not showing up at board hearings, the process reunites. Granted, you can only do it once, but that still extends the length of time that can take place.

My understanding was that one of the original intentions was to address the issue of vacancy decontrol. As it stands, rent increases are wide open, and that was the main control and one of the key reasons. Quite frankly, we don't see happening in this legislation, nor does it address that issue.



I think those cover the key points that I wanted to address. And no, I'm not going to ramble on. I addressed what I wanted to address and I'm not necessarily just filling the 20-minute time slot as allocated to me. I do appreciate the opportunity to speak on Bill 109, An Act to revise the law governing residential tenancies.

1620

**The Acting Speaker:** Questions and comments?

**Mr. Rosario Marchese (Trinity-Spadina):** I just want to say to the member from Oshawa that we disagree with him and his party profoundly on these matters having to do with the Tenant Protection Act. In fact, when the Liberals were in opposition, they used to attack you too. If you recall, Monsieur Leach—mon ami Monsieur Leach—who said, “When we get rid of rent control, we are going to build—not we; the private sector will build affordable housing, and we will have 10,000 units per year in Toronto alone, if only and when we get rid of rent controls.” The Liberals with us laughed at you, and quite appropriately so, because not one affordable unit was built. We were on the same team then.

**Ms. Wynne:** That's changed now.

**Mr. Marchese:** Now it's changed, of course. They're over there. We're still here. We had rent control. The Liberals didn't like it when we were there; the Tories didn't like it; they changed it. The Liberals then said, “No; if we get in, we're going to change it back and we're going to have real rent control, and by the way, vacancy decontrol will be gone. Just elect us,” meaning the Liberals. And you know something? You haven't built more than 63 units of affordable housing by the statistics that you have made available to us because, after 2004, we haven't seen any of the affordable units you've built. You don't make it available. We have no clue. We have no way of knowing except my good friend Monsieur Caplan, who says, “Oh, no; we built thousands of affordable units.” Show us the figures. Put them out, like you used to. That's what we say. You guys have something in common now, with all due respect.

I will be able to speak in approximately 10 minutes or so, and I'll be able to expound on this and go after my Liberal friends as best as I can.

**The Acting Speaker:** We look forward to that. Further questions and comments?

**Mr. Khalil Ramal (London-Fanshawe):** I want to agree first with the member from Trinity-Spadina on the first part, on which we don't agree with the member from Oshawa about his proposal for the changes. I want to also tell the member from Trinity-Spadina, we believe in fairness. Fairness is our policy in this place. We also want to control the tenant, we want to protect the tenant and, at the same time, in the same fashion, we also have to give the landlord some kind of opportunity to keep their investment and to protect their investment.

I have a life example from London. One of my constituents called me a couple of weeks ago. She was complaining because her landlord refused to fix her carpet. She might listen to me today. When she asked to fix the carpet, which was very old carpet—the carpet

became home for many insects and many parasites etc.—she asked for a change because it's her right. The landlord said, “You have to leave tomorrow.”

I believe strongly that this new act will protect both sides by creating a Landlord and Tenant Board, which creates some kind of fairness. Both sides can come to the table, listen to each other and, in a friendly way, solve all their problems. We don't want to hurt the landlords, because who will invest more money by building more homes and housing and affordable housing? At the same time, we cannot evict a person for an illegitimate reason, because people also look for stability. When I go rent a place, I won't rent it for a month or two; I want to rent it for a longer time. I want some kind of protection and safety. I don't want to be, like, tomorrow I'll put my clothes on and just be out the door without any reason. This applies in fairness. Also, I'm looking forward to supporting this bill because it's a good bill to support.

**Mrs. Munro:** I'm pleased to comment on those remarks made by the member from Oshawa. As I think he ably demonstrated, the issue is creating legislation that provides a balance and is also looking at the fact that the vast majority of people who are tenants and the vast majority of people who are landlords are in fact law-abiding. The tenants pay their rent on time and the landlords then also meet their obligations.

So when we look at legislation initiatives such as this, we have to look at them from the perspective of the importance of maintaining that balance and pay particular attention to the fact that any kind of restriction or imbalance then creates, frankly, situations where landlords are not going to invest in their properties and tenants are encumbered with a huge amount of red tape. What we have to look at are the details of this bill to ensure that balance is maintained.

**Ms. Wynne:** I'm really glad that the member for Oshawa raised the issue of smart metering, because it's not something I talked about in my remarks. I would like to make it clear—and I know there will be more discussion of this during committee, but it's a very delicate issue for people living in multi-residential units. I have had many people talk to me, especially older people who don't mind wearing a sweater in winter, concerned about the overuse of heat and the fact that they are having to pay for energy that they wouldn't necessarily use if left to their own devices. So the protections that have been put in this legislation are very timely, because we're moving towards smart metering.

Tenants would not be required to start paying electricity bills until smart meters had been in place for at least one year and the costs for electricity were accurately determined by real cost data. Rents would be reduced accordingly to remove the cost of electricity and tenants with smart meters would be permitted to apply to the Landlord and Tenant Board—the board that would be set up if this legislation is passed—if their rental units or appliances were not energy-efficient. Furthermore, landlords would be required to inform prospective tenants of a rental unit's usual electricity costs and would



have to demonstrate that capital expenditures for smart metering supported energy conservation, or their above-guideline increase would not be approved by the board.

So I think it's really very timely and relevant that these protections around smart meters are in this piece of legislation, because there are many, many buildings across the province where it is going to make sense for smart meters to be put in place, and it is in fact going to protect tenants who are interested in conservation. They will then know what their usage is. They'll be able to modify their usage according to the costs that they are incurring. That's going to help them because the landlords will be required to reduce their rents by that amount, and it will help landlords because—

**The Acting Speaker:** Thank you very much. The member has two minutes to respond.

**Mr. Ouellette:** I appreciate the comments of the members from Trinity–Spadina, London–Fanshawe, York North and Don Valley West.

In the comments regarding smart metering, it's good to hear some more details. As mentioned, we expect to get more understanding of that through the committee process. But she also mentioned the energy-efficient appliances that the tenant can make application to the board about. Will the board have the authority to order the landlord to order new energy-efficient appliances? Is that what is taking place there?

**Mr. Marchese:** I don't see it.

**Mr. Ouellette:** Well, we'll find out. That could be one of the end results—it could be the end of a work order that's been put out by the board. Certainly there are the details within the bill and how it comes out through the future process, as mentioned by the member from York North.

The member from London–Fanshawe spoke about a particular case, but as we all know in this House, there are always three sides to the story. You've got the two, and that is why there is a Speaker or a judge, or we try to find out where the middle ground is. That's the biggest difficulty we have. I know in our case we have had landlords in—quite frankly, I've had landlords and tenants in, the same individuals on both sides. I would not necessarily classify some of them—I won't say which aspect—as being the good side of the equation. Anyway, I can remember saying that's right, we're going to crack down and the first thing we're going to do is do full inspections of every unit, and once they get fully inspected and meet up to code and standard, we can move forward in addressing those issues. Quite frankly, we never saw that landlord again dealing with those issues because he realized that it wasn't necessarily going to fall—the equation—his way.

1630

We appreciate that the member from Trinity–Spadina was concerned about our issues. The end result is that you have a vacancy rate that virtually doubled and decreased rents and that kind of speaks for itself. We'll find out how the current bill addresses the issue.

**The Acting Speaker:** Further debate?

**Mr. Marchese:** It's a pleasure to have this opportunity as housing critic. Once again, I want to welcome the citizens to this parliamentary channel. It's 4:30 on May 11, and we're on live. So for those of you who are tenants, and there are over three million tenants in this province, you've got a lot to think about, review and study, based on what we did when we were in government with our Rent Control Act, based on what the Tories did when Monsieur Leach was there and based on what the Liberals are now doing that, oh, they're so proud of, Bill 109. I'm going to beat them up for a whole hour, based on promises they made that they obviously could not keep, would not keep, never meant to keep. Let me do a brief review.

You will recall Monsieur Leach when he was here as Minister of Housing, a former bureaucrat with the city of Toronto, said—

**Hon. Mike Colle (Minister of Citizenship and Immigration):** No, he was TTC bureaucrat.

**Mr. Marchese:** A TTC bureaucrat. But you would know him, Mike, because you were close to him in one way or another.

He became Minister of Housing and he said, “When we get rid of rent control, the private sector, not governments, will build affordable housing and the private sector will be there, ready to build 10,000 new units, affordable housing, every year in Ontario.”

Of course it didn't surprise New Democrats that that wouldn't happen because we knew the private sector would not get into the business of affordable housing because it is not a business for them. They don't make money building affordable housing. We knew that when Monsieur Leach made his promise, but he claimed that the private sector would build affordable housing. There wasn't one unit of affordable housing that was built by the private sector because they simply do not make any money doing that.

They have been building condominiums ever since the Tories took power in 1995, and they're still building a whole lot of condominiums under the Liberals and very few, although some, are rental units. The condominiums we're building, very few of them allow for rentals and most of them are privately owned.

*Interjection.*

**Mr. Marchese:** Very few. So we are building condominiums indeed, but we're not building affordable housing.

The Liberals are not building affordable housing. In spite of the claim made by so many Liberals, including the honourable member from Don Valley East who provides no figures because as of 2003-04 when we had available figures, which showed that only 65 affordable units had been built—when the government realized that it's not a proud record to show, they stopped publishing the numbers. So the member for Don Valley East can stand up here and say, “No, we built thousands of units.” The point is, they're not affordable. Only 63 units that have been built are affordable. I challenge the member from Don Valley East to present the facts as we used to



get them even under the Tories, when they were made available to us.

It ought to surprise you, Ontarian citizens watching, that we can't have those figures. It surprises me. When I think about it, it doesn't surprise me too much, because if they provide the figures they'll be embarrassed, so it appears obvious that they would conceal them from your eyes and mine.

When Liberals were in opposition with New Democrats and the Tories introduced the so-called Tenant Protection Act, which was never designed to support tenants and was about landlords and should have been named the landlord protection act because of its deception—the Liberals should have kept the promise around vacancy decontrol. When they were in opposition, they, like New Democrats, said vacancy decontrol would hurt tenants. What does it mean, for those of you who are watching who might be tenants, or who might not be tenants? What does vacancy decontrol mean? It means that when someone leaves a unit and it becomes available to somebody else, rent controls do not apply. It meant and still means that when somebody leaves a unit, the landlord can charge anything he or she wants, and they have done so liberally since 1997 or since—I forget when the Tenant Protection Act was passed. Landlords have been passing on, liberally, increases to tenants ever since they introduced their so-called tenant protection laws. When you have no rent control it means the landlord can charge whatever he or she believes the market can bear. I will show you in a little while that rents have increased, in spite of the claim the Tories made and in spite of the claim the member from Don Valley West has made that when vacancy rates are high, rents stay low. It's not true. I will show you the figures to prove that that's not true.

**Mr. Duguid:** What are you talking about? Where are you getting those numbers?

**Mr. Marchese:** Mon ami from Scarborough Centre is waiting for the facts. Not a problemo.

**Mr. Duguid:** I'm not going to get them now.

**Mr. Marchese:** But you will. We've got time. Just stick around; don't go away. The member from Scarborough Centre is doubtful as to the veracity of the numbers that I will be quoting very, very shortly. Don't go away.

With vacancy decontrol, while I was still a critic in 2002 or 2003 or so, rents had gone up on average by at least 2,000 bucks, and it's still going on.

**Mr. Duguid:** Rents have gone up by 2,000 bucks? Where do you get that?

**Mr. Marchese:** On average, I said. It's more per year; paying an average of \$2,000 more a year.

That's only a minor, minor figure. This is while the Tories were in power. I have a figure that goes up to 2005 to show that while the Liberals are in power, the vacancy decontrol—

**Mr. Duguid:** Is this since Confederation that they've gone up \$2,000?

**Mr. Marchese:** No, no, somebody else. Stick around; don't go away.

So we were very happy, of course, to hear the Liberals—not that I believed them, but I was happy to at least hear them make yet another promise that said, “In our first year of government, we will repeal the mis-named Tenant Protection Act and replace it with an effective tenant protection law. Ontario Liberals will restore real rent control and provide a variety of measures to protect them.”

**Mr. Duguid:** Done.

**Mr. Marchese:** Yeah, done.

Where are the other quotes? “We are committed to introducing legislation to repeal the act and replace it with an effective rent regulatory law within our first year in government.”

**Mr. Duguid:** Done.

**Mr. Marchese:** Let me find a few other quotes about the vacancy decontrol. “We will get rid of vacancy decontrol, which allows unlimited rent increases on a unit when a tenant leaves.” It will be gone, the Liberals said. I don't hear the member from Scarborough Centre saying, “Done.”

1640

**Mr. Duguid:** Tenants didn't want us to do it.

**Mr. Marchese:** The member from Scarborough Centre said that the tenants didn't want them to do it. “The tenants wouldn't let me do that one, so we didn't keep that promise.”

“We will get rid of vacancy decontrol, which allows unlimited rent increases on a unit when a tenant leaves. It will be gone,” was the Liberal promise. “The tenants didn't make us do it.”

I want to take the same approach as the member from Don Valley West, and that is to provide a perspective of a tenant and tenants, because there are over three million tenants in this province, and I tell you that they don't like vacancy decontrol. They didn't like it under the Tories, they don't like it under you, and they won't like this Bill 109, which still keeps vacancy decontrol in spite of the promise you made to get rid of it. But I suppose it doesn't matter what promises you've made. You've made many—over 200—and for those who keep a tally of those, you have broken so many it's hard to keep count. But it doesn't matter when Liberals break their promises because it's just the way it is with Liberals.

New Democrats can make promises and, boy, do people beat us up. Tories can make promises and, man, can they beat people up. When Liberals make promises, it doesn't matter. People just keep on saying, “It's just the way it is. You know how politicians are.” That's the beauty of politics. Liberals can say anything, and they will get away with everything. Vacancy decontrol is still with us, and it was the way to end rent control without saying, “We've ended rent control.” It was their way of doing it, and it is the same way that the Liberals are keeping rent vacancy decontrol as a way of saying to the landlord, “We haven't reintroduced rent control, and that's what you really wanted, wasn't it?”

The landlords are as happy to have Liberals in power as they were happy to have Tories in power. They will



give the Liberals \$600; they might give the Tories \$700. It's the same politics. It doesn't matter; it doesn't change much. A couple of things will change here and there, but not much more will change.

Yes, it is true that the Liberals have eliminated the "costs no longer borne." The member from Don Valley West spoke about that. She didn't say, "By the way, that was in the rent control bill, the act that was introduced by New Democrats." She wouldn't say that, and she didn't say that. That was a measure we had introduced in our rent control bill. We're happy to see you restore it. Member from Scarborough Centre, we're happy to see you have restored it.

What does "costs no longer borne" mean? It means that when a landlord buys something for tenants—let's take fridges as an example. In the past, under the "costs no longer borne," as we had in our Rent Control Act, once those fridges were paid for, they would not stay on the rent forever. When the Tories got elected, that section was eliminated, and it meant that every time the landlord bought something, that cost stayed on the books and on the backs of tenants forever. So the Liberals are introducing a positive measure, introduced by the NDP when we were in power. I appreciate they wouldn't say that, but it's a good measure.

The Rent Control Act under the NDP provided for orders prohibiting a rent increase on units with outstanding work orders. The Liberals wouldn't say this, but they have restored that element, which is a big issue with tenants because, as many Liberals know, in those places where they have a whole lot of units, there are so many outstanding work orders in so many buildings, yet the rents keep on piling up everywhere in Ontario. So the Liberals have reintroduced a measure that the NDP had in its Rent Control Act, and I appreciate that they wouldn't give us credit for it. But at least they took some of the measures that we had in our Rent Control Act to give greater protection to the tenants. So that is good.

But the most fundamental of problems about this Bill 109, An Act to revise the law governing residential tenancies, is the fact that vacancy decontrol is still on the books. The Liberals made a promise to get rid of it, and it's still with us. It is the most important promise to have kept, and not to have kept that promise means that tenants do not have the real protection they deserve.

So when the member for Don Valley West says, "I'm going to speak on behalf of tenants," she omitted mentioning this simple thing that I call vacancy decontrol, that I have explained that she did not speak to. Hopefully the member for Scarborough Centre, who is here, who wants to speak to this bill, will say why it is that they didn't touch it. Maybe he will repeat for the record and for the citizens that they didn't do it because tenants told him and the Liberals not to do it because they didn't want it. Let him stand up and defend such an argument. I cannot find one tenant who will say, "I am happy to be whacked by a landlord when I move from one unit and go to another so that he or she can raise rents as much as he or she wants." Never have I met such a tenant. Maybe

the member for Scarborough Centre has different kinds of tenants, and maybe the member for Don Valley West has different kinds of tenants; I don't.

I look forward to Liberals speaking up and taking their time to talk about this, because I've got to tell you, a report done by the Tories when they were in power, a document which I kept—it was called the Challenge of Encouraging Investment in New Rental Housing in Ontario, by Greg Lampert, much of which I disagree with. But he does point out one interesting fact, and that is, 75% of all tenants move within a five-year period—75%. That's an incredibly high rate of tenant mobility. What does it mean? It means tenants have no protection when they move, because as they move to another unit, they're going to get whacked with increases. It has happened under the Tories, it's happening under the Liberals and it will continue to happen because Bill 109 doesn't deal with it. It keeps vacancy decontrol.

Tenants move on a regular basis for a variety of reasons and most cannot move to buy houses because they can't afford it, and I will speak to those statistics very shortly. So the people you're whacking—both you, Tories and Liberals, Tories in the past, you Liberals now—are a whole lot of people whose incomes are low and getting lower by the year.

Let me get into some of the statistics around tenant households. In 2001, 32% of all households in Ontario were renters. That is 1,351,365 tenant households out of 4,219,410 total households. Two thirds of all low-income people in Ontario lived in tenant households in 1996. That is 1,200,000 persons in tenant households with low income out of a total of 1,834,000 low-income persons. Of Ontario's 1.2 million low-income tenants in 1996, 36% were children, 27% were parents, 30% were non-family persons and 7% were spouses or common-law partners with never-married children at home. Some 96% of Ontario Works beneficiaries are tenants, but only 17% of these Ontario Works beneficiaries who rent live in subsidized housing. The vast majority live in the private rental market. So 96% of Ontario Works beneficiaries are tenants, but the vast majority of them live in the private rental market. Some 75% of Ontario disability support program beneficiaries are tenants, but only 22% of these ODSP beneficiaries who rent live in subsidized housing; the majority of them live in rental places that have no subsidies connected to them.

#### 1650

On the issue of rents, the average rent of all of Ontario's rental units surveyed annually by CMHC increased by 26% from 1995 to 2003, outpacing the 18% percentage change in Ontario CPI. That's one of the facts I wanted to share with the member from Scarborough Centre, and I will share with him other figures from another source in a few moments.

Kathy Laird, the director of legal services at the Advocacy Centre for Tenants Ontario, said the following: "Rent increases will continue to be unregulated when a tenant moves, creating an incentive for landlords to evict and raise the rents. We have an affordability crisis in this



province with rising rents and fewer units." In fact, there were just 1,575 vacant three-bedroom units in multi-residential buildings in October 2005, according to the most recent rental market survey of the Canada Mortgage and Housing Corp. Most of these units were clearly beyond the reach of low-income families. There were 124,785 low-income households across Ontario on the active waiting lists for social housing at year-end 2004.

I want to share some facts with the member from Scarborough Centre because he asked me where I get some of the facts. I will share that source with you in a short, little while.

In Toronto—the Ontario stats to follow below—where 45% of Ontario's tenants live, between 1996 and 2005, the average rent for a two-bedroom apartment in Toronto increased by 30%, while the average rent for a one-bedroom apartment increased by 32%. The overall rate of inflation for that same period was 21%.

I mention this because the member from Don Valley West mentioned figures that went from 1997 to 2002, and I cite this figure that goes to 2005. So I'm waiting for some of the Liberals who have been city councillors in the past to tell me how these stats are different.

The number of lower-rent units in Toronto continues to decrease. Between 1997 and 2003, the number of one-bedroom units with rents below \$700 per month shrank by 85%, and the number of two-bedroom units with rents below \$800 per month shrank by 89%. These are figures that ought to worry a lot of the Liberals who claim to speak on behalf of tenants and who have a lot of tenants in their ridings.

The Advocacy Centre for Tenants Ontario provides the following, and I raise this because "Why rent control?" is the question. Does the market ensure that if there are more vacant units, rents will go down? We say no. The theory is that with an increased supply of units, the market will drive rents down. That's the logic of Liberals and Tories. The reality is that rents have been increasing across Ontario whether the vacancy rate is high or low.

Let's take a look at London rates. This might interest my friend from London—Fanshawe. The London rates and vacancy rates: two-bedroom apartments from the year 2000 and 2005. The member from Scarborough Centre is not interested in the facts at the moment. But he was wondering where some of these stats come from, and here it is.

In the year 1998, the rent was \$637 and the vacancy rate was 4.8%. In 1999, the rent was \$639, and the vacancy rate was 4%. In the year 2000, the rent was \$657 and the vacancy rate was 2.4%. In the year 2001, the rent was \$683 and the vacancy rate was 1.8%. In the year 2002, the rent was \$705 and the vacancy rate was 2.4%. In 2003, the rent was \$736 and the vacancy rate was 1.9%. In 2004, the rent was \$758, and the vacancy rate jumped right up to 4.7% again. In 2005—the member from London—Fanshawe, I'm still talking to your tenants—the rent went up to \$775, and the vacancy rate was 5.2%. I share this with my Liberal members who are close to me—the rump folk—as a way of showing that

the rent has gone up since 1998 from \$637 dollars to \$775.

You will note that the rent has continued to go up. You will note as well, as part of what I showed you, that the vacancy rate in 1998 was 4.8%, and the lowest vacancy rate was in 2001, 1.8%. Now it's at 5.2%, as of 2005. It doesn't matter whether the vacancy rates were low or high; rents have continued to go up.

**Mr. Duguid:** They have not.

**Mr. Marchese:** The member from Scarborough Centre continues to surprise me. There's never an end to his surprises.

**Mr. Duguid:** Well below the rate of inflation.

**Mr. Marchese:** The vacancy rate for two-bedroom apartments in London fluctuated between 1998 and 2005, yet rents for two bedrooms increased by 21.6%. Rents for two-bedroom apartments in Kitchener increased by 26.5% between 1998 and 2005, while the vacancy rate mostly increased. In that same period, rents for two-bedroom apartments in Kingston increased by 23.6%, and the vacancy rate fluctuated. In Sarnia, two bedrooms increased by 20.4%, and the vacancy rate fluctuated.

I think that should be sufficient for the Liberal members to get a flavour of the fact that it doesn't matter whether vacancy rates are low or high, they continue to go up, and it's higher in the period that I mentioned from 1997 to 2005, higher than the inflationary increase.

The Liberals will stand up—show us the proof and put it down on the record. I will be very happy to see it. I will be happy to see contrary evidence being shown to me by the Liberals, because that's what we want to hear. That's what close to three million tenants want to hear. I certainly want to be proven wrong. I'm waiting for the various members who want to speak to this to show that, indeed, we are wrong. The member from Scarborough Centre is in a hurry to get there. I'm just waiting to hear.

We are going to be very happy to get out in committees and speak to legal groups, tenant groups, tenants, and we invite them all to come and be deputants. The former Toronto city councillors can be there and listen and defend you as you come there to listen to the merits of Bill 109.

They have something called submeters that are going to be part of this bill, to move to another issue to see how this is going to help tenants. We know that the installation of electrical submeters in existing multi-residential buildings is going to be a boom for electricians. They just can't wait to get into those apartments, into those individual units, and start doing the work. This is going to be good for electricians. There's no doubt about that, although I don't hear that from the Liberals. But this is what it's about.

Submetering, combined with time-of-use rates, is likely to have a negative effect on tenants who are at home during the day and have no choice but to consume energy during peak hours. Seniors have no choice but to be there during peak hours. People who are unemployed have no choice but to be in their homes most of the time. Families with children, people with disabilities, have no choice but



to be there in their apartments during peak times. They have no choice but to use electricity during the day.

**1700**

I want to raise something very interesting. What we know is that in non-electrically heated apartments, which, for the benefit of many Liberals, make up about 70% of the stock, the cost of installing and operating the meter outweighs in the view of many the possible savings. Seventy per cent of the stock is not run by electrical heating methods but they will have submeters in their units. Does it make any sense to those units and those apartment dwellers to have a meter installed in their unit, where the benefit is hardly measurable, where the cost will be more to the tenant than any possible, conceivable saving? Why would you install submeters in those units when we know that in non-electrically heated apartments, which make up about 70% of the stock, the cost of operating the meter and installing it is going to cost more? Why would the Liberals do this? I'm waiting for the Liberals to explain that.

Is it good for energy conservation? Submetering takes the price signal away from the landlord, who has greater control over those items and measures that most affect energy consumption. We know, as an example—just one example—that inefficient fridges consume 1,400 kilowatts per year of energy. We know that energy-efficient fridges consume 430 to 450 kilowatts of energy per year.

**Mr. Ramal:** We fixed that.

**Mr. Marchese:** You understand, member from London—Fanshawe, that the tenant has no control over issues such as a fridge, and if the landlord continues to have an inefficient fridge—and I suspect they will continue to do so for a long time—they will consume a whole lot of energy that the tenant has no control over. She or he, that family, disabled or otherwise, unemployed or otherwise, senior or otherwise, family and children or otherwise, has no control over that inefficient fridge. That's just to mention one of many issues around which the tenant has no control. It's the landlord who controls that. Does the bill fix that? No way, Jose. Is this fair for tenants?

Approximately 37% of tenant households live at or below the poverty line. While the majority have low to moderate incomes, tenants as a group do not have the resources or authority to invest in energy efficiency. They do not. The bill says that they can recover some of their costs or all of their costs. They can go to the new tribunal called the Landlord and Tenant Board, but it puzzles me how we're going to be able to get all of the tenants to go to this new board and make an appeal if the landlord doesn't pass on the savings—assuming there are savings.

Imagine what it takes for tenants to get themselves organized when 75% of tenants move on a regular basis within a five-year period. How do you organize tenants? How do you educate tenants? Does the government educate them in terms of what the responsibilities of a landlord are and what their rights as tenants are? Does it send out a notice to tenants on a regular basis to tell them what their rights and responsibilities are, or at least their

rights? They don't do that. It says that tenants can go to this new tribunal—renamed, but more or less doing the same thing—and appeal to them if the landlord doesn't pass on the savings, but how are we going to get these tenants to organize themselves to do that?

By the way, I don't know how much the savings are going to be. I just don't see it. There is no obligation in law to force the landlords to be energy-efficient. There's nothing in the bill that says they will have to do certain things, or they will have to get energy-efficient devices in their buildings or units. There's nothing that compels them to do any of that.

So tenants are going to get submetering. The member from Don Valley West spoke about how this is great because people can now wear sweaters and they'll be able to conserve energy. God bless. Okay. She'll have an opportunity, as well as the member from Scarborough Centre and other members from Scarborough, to come to committee and defend their tenants and defend their bill. No problem. I'll be happy to see them there.

**Mr. Lorenzo Berardinetti (Scarborough Southwest):** Stand up for Scarborough.

**Mr. Marchese:** You go get 'em. You tell the tenants how close you are to them, that you are a team.

The inability to pay utilities is among the leading economic causes of homelessness. According to Statistics Canada data, 14.4% of Ontario's population—that is 1,611,000 persons—are living at or below the poverty line. The majority of these persons live in tenant households. For low-income households in Ontario, it is a daily struggle to pay for the basic necessities of life. They are particularly vulnerable to increases in shelter and utility costs. Low-income households in Ontario are likely using more energy and paying more per unit of energy, since they are more dependent on electricity as their fuel source and have older, less efficient heating equipment. We're not helping them.

**Mr. Berardinetti:** What have you got against conservation?

**Mr. Marchese:** We are not—conservation? It will be a pleasure to be in this committee and meet and talk to my Liberal colleagues who will be there on the government side. It will be a beautiful thing to see them defend their bill. They will defend those low-income tenants who are struggling to stay in their units. God bless you.

Then we've got the whole issue of exemptions for units constructed after 1991.

**Mr. Duguid:** You don't support that?

**Mr. Marchese:** The question is why. The member from Scarborough Centre continues to surprise me. He's here right beside me and, God bless him, I love him. He's right here, right next to me. He continues to feed me things that otherwise I wouldn't have. Units constructed after 1991 have been exempted, and he says to me, "You don't support that?" He's happy to support it. We're talking about units constructed in 1991. They are not subject to any rent control or vacancy decontrol, neither of the two.

**Mr. Duguid:** Nor should they be.



**Mr. Marchese:** Nor should they be, says the member from Scarborough Centre. He will defend this in committee and he'll defend this here, because he's got 20 minutes. He's got so much time to speak, he'll defend it here in this Legislature. Landlords who built units after 1991 don't have to worry about rent control, don't have to worry about vacancy decontrol. They can increase rents to their heart's desire, because the member from Scarborough Centre says it's okay. It's okay because he thinks his tenants will support it, and it's okay because he's going to defend it no matter what.

Why would we exempt those landlords who built housing in 1991 from this new Bill 109, introduced in 2006? Why would we do that? What's the logic for doing that? I want to get some Liberals to stand up today in their two minutes, 10 minutes, five minutes, 20 minutes, and defend that. I was looking desperately to find out how many units were constructed since 1991. We're not talking about public housing here. We're talking about private rental units where few of them have subsidies in them. We're talking about those rental units. I don't know. I wouldn't exempt them. The NDP wouldn't exempt them. We think they should be subject to at least vacancy decontrol. We think they should be subject to rent control, but in the absence of that, vacancy decontrol would be just fine. Why wouldn't you do that? I think the Liberals are going to have to present their opinions on this in this Legislature and/or in committee when we get to it.

#### 1710

Some facts about affordability: 42% of Ontario tenant households—that is, 564,000 out of 1,338,000—pay 30% or more of their household income on shelter costs; 20% of Ontario tenant households, or 265,995 out of 1,338,000, pay 50% and over of their household income on shelter costs. That's 265,000 paying 50% and over of their household income on shelter costs. That's a lot of people in danger of becoming homeless. These are the people who are very working poor, paying more than 50% of their income. These are the people who have very little left over at the end of paying their rent for other things they need to survive, to live, and that number is increasing by the day. The risk for homelessness increases where rental costs consume more than 50% of pre-tax household income for a tenant household.

This is not good news. This should worry all MPPs in this Legislature, not just New Democrats. It should worry Liberals, who often claim to have a heart, who often claim to represent those who are very rich and those who are very poor.

I want to give you some figures on the loss of existing rental housing supply. There were 44,780 fewer private rental units reported in the 2001 census than in the 1996 census. Between 1991 and 2001, Ontario lost 24,298 existing private rental units to demolitions and conversions to ownership, while only 16,885 new private rental units were built, resulting in a net loss of 7,413 units. Over this 1991-2001 period, CMHC estimates rental demand by tenant households for additional units grew steadily, from

an annual rate of 7,000 to 16,000 annually from 1996 to 2001.

New rental housing: Ontario averaged 2,462 rental starts annually over the years 1995 to 2003. By contrast, from 1988 to 1992, rental starts averaged 16,000 units annually.

Ontario is facing an affordable housing deficit of almost 80,000 units. We've got a serious housing problem in our province. We need to build more affordable housing, and we need to do it fast, because those who are at risk are making less and less money than ever before.

The supply of primary rental housing has been decreasing in the city of Toronto. In 1996, there were 350,861 primary rental units. In 2005, there were 348,148 rental units, a decline of 2,713 rental units in nine years, even after taking into account the number of new rental units built during that same period of time.

The decrease in the supply of primary rental housing is due to a variety of factors, including the conversion of high-end rental housing to condominiums. The decrease in primary rental housing is not being offset by new condominium units being offered for rent. Even though there have been record numbers of new condominiums built in Toronto over the last 10 years, the number of condominium units offered for rent has decreased. In 2005, there were 1,968 fewer condominium rental units than in 1996. Rental supply continued to decrease, with a decline of almost 1,500 rental units during 2005, following a decline of about 2,000 units in 2004. The very low levels of new rental production have not kept up with the reductions in the number of existing rental units, a condition that has persisted since 1996.

The source for the information I just provided comes from the city of Toronto, the shelter, support and housing administration, *Rental Housing in Toronto: Facts and Figures*, March 2006.

Just for people to know, the median income of Ontario's renter households is less than half of homeowner households; that is, \$62,382 versus \$32,194. We know statistically that those who own homes earn literally double what most renters do. Those who rent are getting poorer and poorer and cannot afford the rental increases we have seen over the last 10 years. Unless we stop that, we're going to see a human tragedy in the next 10 years.

It's hard for people to see this. It's hard for people to picture that because they say, "Oh no, things could never be so bad." I'm well off. As a member of provincial Parliament, I'm making \$88,000. If I'm a cabinet minister, I make a whole lot more than that. If I've got another position as a parliamentary assistant, I make another \$10,000, \$11,000, give or take a couple of pennies, maybe \$12,000. I'm okay, and isn't it beautiful for those who are well paid to say, "No, things are not as bad as you make them out." They are, and it's getting worse.

We have over three million tenants, most of whom are getting poorer every year, and Liberals should worry about how we deal with that. Liberals, particularly David Caplan, the minister of infrastructure, should worry about that. He should be the one out there making sure that the



shovel is in the ground, building affordable housing. All we have seen are 66 affordable units. He should be the one standing up in this House and saying, "We are moving on this. I want to give the facts and figures to Marchese and I'm going to send him the facts," not just throw a number out here that says, "We built 2,300 affordable housing units." They are not affordable housing units, otherwise they would have put out these facts and they would have published them in a way that I could see them, in a way that opposition parties could see them, in a way that everybody could see them.

We are going to be engaged aggressively to denounce the fact that this government has not kept its promise to end vacancy decontrol. We will denounce them as regularly as we possibly can. We will denounce the change they have made. We know that some social housing residents are excluded from the appeal process dealing with subsidy changes. We know that many of the people who have gone to the former tribunal come from public housing, and they went there to defend themselves against changes that were made as a result of factors that affect them.

Maybe some of these tenants might have gotten a job for a short period of time. As a result of that, their subsidy changes, but they might not have been able to afford the kind of increase they were subjected to. As a result of that, they faced economic difficulties and went to the tribunal to defend themselves. What we now have is a government that says they won't be able to appeal that. It will be beyond their reach and beyond their jurisdiction. Poor people, mostly poor people, in some cases poor working people whose circumstances they cannot control, who for a variety of reasons might have their income fluctuate from time to time beyond their control, the government says, as a result of this new thick bill, won't be able to appeal their changed circumstances to the new Landlord and Tenant Board.

#### *Interjection.*

**Mr. Marchese:** Member from London-Fanshawe, you don't know. If you haven't read it, you don't know, and if you did read it, you're wrong, because that's what you have done by this. What you are doing by this is affecting people who have so little control over their lives, who in spite of their socio-economic circumstances struggle to make ends meet. And instead of allowing them the right to appeal their circumstances as it relates to the subsidy that they're able to get, you've deprived them of one small measure of being able to defend themselves and defend their economic conditions. It makes it so difficult for them.

1720

We will attack you as regularly as we can on vacancy decontrol, because in my view this is the most important thing that you as a government should have done, the most important promise you made before 2003 that you should have kept and that you did not keep. You won't get me to defend this bill unless you make that change. If you bring back rent controls, you will have New Democrats supporting you, but if you do not end vacancy

decontrol and bring back real rent control, as you promised and as we had it from 1993 to 1995, then all you will have is opposition from New Democrats.

The measures, some of which you have introduced, that I have spoken to and that I support, such as the costs no longer borne, so that tenants are not subject to paying increases for things that the landlords have done—that is a good thing. Another measure, the orders prohibiting a rent increase that we had when we were in power and that you have reintroduced, is a good thing, because it says a landlord will not be able to get their increase in rents unless they fix the places where they live. Many landlords are negligent and simply do not take care of their apartments, and those bad landlords ought not to be beneficiaries of rent increases when they do not fix their rental units. That's a good measure. We defend that.

There are many other issues, some of which are neutral, some of which are bad and some of which are good, that we will have an opportunity to discuss as we do our hearings here in Toronto and hopefully across Ontario, so that we will give people an opportunity to express their pleasure or displeasure with this government, so they can say yea or nay to the measures introduced by this government, so they can say yea or nay to the government's desire to break their promise on rent control. I'm convinced that the close to three million people who live in rental units are not going to be satisfied with your having kept vacancy decontrol. I am convinced that they will support New Democrats in our desire to get rid of it and bring back rent control. The test of that will be our hearings. The test for you Liberals to defend it and for me to oppose it will be measured by how many people will come to those hearings to say, "Yes, we support your change of heart on vacancy decontrol, your not keeping that promise," or, "We needed you to keep that promise."

I know tenants will be there from my riding, tenants will be there from Scarborough and from Don Valley West. The member from Don Valley East as well has lots and lots of tenants who will be there to remind him that they wanted him to keep that promise. I wait to see whether or not the Liberals are going to hear them, listen to them and, based on that, change the law to make that happen and to keep the most important promise: to end vacancy decontrol.

**The Acting Speaker (Mr. Joseph N. Tascona):** It's time for questions and comments. The Chair recognizes the member from Scarborough Centre.

**Mr. Duguid:** I really enjoyed listening to the comments made by the member from Trinity-Spadina. I noted that in his comments he said that he loved me. I want to tell you that I was touched. I'd like to reciprocate. I like him very much, but "love" is a very strong word, and I'm not sure I could go so far as to reciprocate entirely on that.

I think his heart is in the right place on many of these issues. The problem is, his facts are all over the place. When he talked about the rent increases going up—I think he said \$2,000, but he really didn't tell us where that was coming from. He talked about rent increases



from 1996 to 2005, and he said that the vacancy rate has nothing to do with rent increases. Let's face it: In the last couple of years, which is when the vacancy rate has gone up, the rents have either been static or, if they've risen, they've risen very slightly, I think by 0.7% in the last year that's on record, probably 2005-06—or maybe 2004-05, the last year on record. So rents are not going up any substantial amount; they're going up less than the rate of inflation. So let's keep that in perspective.

But that doesn't mean that we don't need to protect tenants. We've brought in real rent controls with this bill, when we look at the above-guideline increases and the caps on the above-guideline increases; the number of years that they can apply; the fact that capital expenditures do not just run on and on and on and on, that when the costs are paid for, the tenants' rents will come down. We've made some very, very important contributions.

He asked for numbers of affordable housing that has been built. Right now we've got 5,450 rental and supportive units that have been built through the Canada-Ontario affordable housing program. So when he talked about 65 units, that's another fact or figure that's totally out of whack. We've built 938 home ownership units that are affordable, 200 units under the northern housing component.

We've made significant progress. We admit, though, we have a long way to go still in succeeding in building out some of this affordable housing.

**Mr. Ted Chudleigh (Halton):** The NDP member from Trinity-Spadina is, of course, always interesting and always passionate. The member from Scarborough, I wouldn't get too excited; the NDP love everybody, so I don't think he meant anything by that in particular.

The member talked about building affordable housing. He made quite a point about building affordable housing, how none had been built and how the Liberals had built 61 units. I would remind the public and I would remind the House that when the NDP were in government, they did build affordable housing. It was supposedly affordable for the people who moved into it. It certainly wasn't very affordable when it was built, because that government spent at least twice what it cost to build any other house at the time.

You might say the affordable housing that they built that was so very, very expensive was nicely appointed; it was well-built. Well, that was not my experience. The affordable housing that was built in Halton, Milton, Georgetown, in the areas that I represent, in Oakville and Burlington, was not well-built. These houses were—I don't know if you'd apply the term "shoddy," but there were all kinds of problems with them. They were not well-built. There were all kinds of repairs that were needed on them. There were leaks in the basements. There was a constant need to fix them. Yet, under government control, these houses cost twice, on a square-footage basis—if the cost of building a house then was \$100 a square foot, they were paying \$200 a square foot to build these less-than-adequate, low-income housing units.

Listening to the member speak and how he uses statistics to his advantage, I would remind the member that these houses—affordable housing—were somewhat less than successful at the time.

1730

**Mr. Ramal:** I've been listening to the member from Trinity-Spadina for almost an hour. All of his speech was built on a negative approach. I hope not many people out there were listening to you—

**Mr. Marchese:** What kind of approach?

**Mr. Ramal:** Negative. I hope not many people were listening because they would be afraid. They would think this world is coming to an end by passing this bill. As a matter of fact, we have a lot of initiative, a positive approach.

Also, he mentioned numbers: only 65 units being built. He forgot that more than 5,000 units are being supported; supported units for affordable housing across the province. In my riding of London-Fanshawe alone, in a joint venture between the federal government and the provincial government, 115 units are being built. There are so many different statistics. I don't know who gave the member the statistics. I hope his research department does a better job the next time he stands up to speak on this specific issue.

We have a positive approach. We have to create a balance between the landlord and the tenant. We don't want to abuse the landlord because otherwise who would invest? Nobody would invest. Who is going to invest? We have to create or keep investment going in Ontario. At the same time, we have to protect tenants from being evicted automatically without a hearing. That's why we created a board, to create fairness, to bring the two sides back to the table to determine who is right and who is wrong.

I think it's a fair approach. I think Bill 109 is a great bill. The member thinks that in 10 years' time, a disaster is going to happen in Ontario. I want to tell the member that rent is going to be controlled. It's going to be tied to the consumer index with respect to inflation.

**Mrs. Munro:** I'm pleased to add a few comments based on the presentation we've had. One of the things the member has perhaps overlooked in the comments is the fact that it's very clear Ontario has a high vacancy rate. The kinds of renovations and expansions that have been going on in the rental market—even if you look just in Toronto and not in other parts of the province, there are many high-rise rental units being built. That only happens when there is confidence in the opportunity those investments represent. But it also means there is choice for the individuals, for those 1.35 million households that are renters in the province.

I think it's very important to make sure that there is a continued balance, that on the one side you have people making those investments. One of the things that happens as a result of new units being available is, of course, pressure on the older units to upgrade to become more desirable and to maintain them. Around the city, you can certainly see those kinds of redevelopments that are taking



place. This provides a very healthy atmosphere for those people who are seeking rental accommodation. It means they have to be competitive, so they're going to keep their rates at a point where their units are full.

**The Acting Speaker:** It's time for a response. The Chair recognizes the member from Trinity-Spadina.

**Mr. Marchese:** Thank you, members, for having spoken. The time is 1:25; it should be two minutes, right?

**The Acting Speaker:** Can we correct the clock for the member?

**Mr. Marchese:** I thank the members for their reaction. It's good to have the member from Scarborough Centre as a friend. I'm glad he paid attention, because he didn't like the facts. He said, "The facts are all over the place," which is fascinating. I'm looking forward to seeing him in committee to present his facts. I talked about the fact that under the Tory vacancy decontrol, rents went up an average of \$2,000 or so a year, which he disputed and I'm not sure why. I pointed out that high vacancy rates are no protection to keeping rents low. He disputed that. I'm not quite sure what he was saying, although that doesn't surprise me. I pointed out that in the city of Toronto, between 1996 and 2005, the average rent for a two-bedroom apartment increased by 30% while the average rent for a one-bedroom apartment increased by 32% and the overall rate of inflation for that same period was 21%. So rents are going up, vacancy rates are high, and all I'd point out to him—he finds it difficult to grasp the facts—is that even though vacancy rates are high, it does not at all mean, as the market defenders say, that it will keep rents low. It doesn't do that.

**Mr. Duguid:** I'll explain it to you at committee.

**Mr. Marchese:** Oh, don't worry, my friend. We'll be there, you and I together. We'll be so close, you and I.

It doesn't do it. I'm looking forward to those who rent coming to committee so you can see the close relationship the member for Scarborough Centre and I have, to see how his facts square with mine. I want you to come to committee and defend the member from Scarborough Centre, because he said that you said you wanted vacancy control to stay in place. Please come to committee and defend him, because he's defending you. Please, I'm looking forward to seeing you in committee.

**The Acting Speaker:** It's time for further debate.

**Mr. Berardinetti:** I want to thank Monika, the page, for bringing me some fresh water before I started speaking.

I want to start by saying that this bill in front of us today—and I have a copy of it here—Bill 109, An Act to revise the law governing residential tenancies, is a good thing for the people of Ontario. This bill provides safe, secure and affordable places for all Ontarians to live. The reforms in here are balanced and fair. They give tenants, who are often our most vulnerable, more protection while keeping rental housing markets strong.

This new act, the Residential Tenancies Act, 2006, implements a fair rental system that benefits good tenants and good landlords. You're going to get some bad tenants and you're going to get some bad landlords. You

can't solve every problem in the world. However, this act addresses the concerns that affect virtually 99% of all tenants and 99% of all landlords. The ones who make the news are the slum landlords, or once in a while you hear about a tenant who maybe doesn't want to leave a property or who enters a property and leaves it in very bad condition or destroys it. We can't solve every little problem and go into every little apartment building and try to solve those problems, but this act in front of us today addresses a large number of issues that people, especially tenants, in Ontario have been concerned with for a while.

I'm proud to stand today to support this government initiative that has been brought forward by the ministry and that was, I think, one of our commitments that we made when we ran for office.

Some will argue and say, "This bill doesn't provide for rent control." However, I would disagree with that. If you look under part VII of this bill, general rules regarding rent, it's quite clear that rent is controlled. Section 110 of the act says, "No landlord shall increase the rent charged to a tenant for a rental unit, except in accordance with this part." The section goes on to list various conditions that need to be met in order for a landlord to increase the rent. It tightens up the restrictions that were in place before and replaces, I guess, in a sense, what was in place before under the so-called Tenant Protection Act.

The act in front of us today has many components to it. Not only does it provide for protection, for rent control, but it also eliminates unfair evictions. I've heard, and I'm sure many others around here have heard, about people who have been unfairly evicted from their rental units. This act brings in an eviction process which allows the tenant to have a proper hearing or mediation, a cooling-off period before any eviction takes place. It also provides understandable guidelines. The annual rent increase guideline is going to be based on real cost indicators, such as the consumer price index.

1740

The tribunal that will be established, the Landlord and Tenant Board, will provide a mandate of fairness and accessibility for both tenants and landlords. This board, when possible, will send information about eviction hearing processes to a tenant upon filing the eviction application. Landlords would still be responsible for filing a notice of hearing. Also, the forms that are going to be used for the whole eviction process or the whole process of having a hearing are going to be user-friendly. I've had people speak to me in the past, tenants as well as landlords, who have said, "I can't fill out these forms. I don't understand how they work." We're bringing forward user-friendly forms which will help in making this whole process of appearing before this new tribunal much easier and friendlier to those who are involved.

The key to this act is that there is protection from excessive above-guideline increases. You always hear horror stories where some tenant comes to you and says, "You know what? My rent this past year was increased by 14%" or 18% or 16%. The new Tenant Protection Act provides increases that are capped and protected. There



are rules in place that don't allow landlords to gouge: The act makes it clear. I'm not going to go into detail today, I only have a limited amount of time to speak to this bill, but those things are in place.

Another thing that tenants have complained to me about in the past is the issue of when there is a capital item. For example, if a landlord decides, "I'm going to fix my apartment building, put on a new roof or add some new things to the rental units I own, and then pass that cost on to the tenants," this new bill provides for a test to determine whether those capital expenditures were necessary. Was the new improvement necessary, and would it be required as part of a landlord's application to increase the rent above the guidelines provided?

This is very important. I know that some landlords in the past have tried to increase their rent and said, "I had to fix the roof. I had to put in a new playground. I had to re-sod the lawn. I had to repave the driveway or rebuild the garage," and they pass that cost on to the tenant. Here, there's a test put into place that says, "Are these things necessary, and how much of it should be borne by the tenant and how much by the landlord?" I think this is fair. It's balanced and it's something that's appropriate.

I also wanted to mention that in the past, especially in my time when I was on city council back in Scarborough and in the city of Toronto, we had very few applications that came forward from developers who were interested in building rental units. If you talked to developers, they said, "You know what? I'd rather just build a condominium; just put up a large condominium, sell off the units and not be bothered with building a rental building." In fact, a lot of people who live in rental units live in very old rental units, because not a lot of them have been built. The reason for that is that developers and builders don't see any incentive to doing that. I think we need to provide that incentive in a way that is fair to builders so that they will come forward and say, "You know what? I will build a rental unit."

I can't recall in my days on Scarborough council very many applications, or almost any at all, coming forward, where a developer or builder wanted to put in rental units. Instead, they would put in a condominium or something that they could sell off and not have to worry about later because of the hassles involved with having rental units and tenants. They considered it non-productive, non-profitable or a headache in general. This bill will serve as an incentive, where it's fair to the tenants but also fair to the landlords, so that they will see that perhaps it is profitable for them, or at least it is not a deterrent for them, to go out and build rental units.

We're not against rental units. We want people who want to live in affordable units to have that opportunity, but there are so many complex issues involved in this. You need to be able to get developers to do it. Government can't go out and build buildings and administrate them. We have Ontario Housing; we have all sorts of subsidized housing that's existed in the past. We don't want to go down that route. The best rental units, in my view—and I think the government is trying to put this

forward—are those built by the private sector and those that are in harmony with the economy and with the economic situation that exists in Ontario.

Everyone knows that in the past three or four years we have had a tremendous amount of vacancies in Ontario. People have left apartment buildings and are moving into townhouses or moving into houses because, number one, interest rates are low and, number two, the deposit required by banks to go into a house, or a down payment as well as a deposit, is very, very low. So, low interest rates—I think 5% is the amount for first-time homebuyers; in some cases it's even lower than that—to buy a home is a high incentive. Instead of paying \$1,000 rent a month, you can put that money towards a mortgage and own your own property.

I can drive down streets of my riding of Scarborough Southwest and see apartment buildings. We have a lot of them. About 40% of my riding is made up of tenants. A large number of these buildings now have signs outside that say, "Vacancies available": one-bedroom, two-bedroom, three-bedroom vacancies. People are moving out and moving into homes or townhouses or units they can own because they need a small deposit and they can get a mortgage for a very low interest rate.

We want to encourage the landlords to treat their tenants well and to keep tenants in their building, so we have to offer something to them as well. We don't want to see all these apartment buildings becoming vacant or half empty as people migrate into townhouses and into other affordable units. So this bill addresses that. It allows an opportunity for landlords to fix their buildings and to keep tenants in their buildings and to keep them happy.

No piece of legislation is ever going to be perfect. This particular piece of legislation, Bill 109, I think goes a long way in bringing forward an affordable and effective rental system which is balanced. That's the key word to all of this: balanced because it's good for landlords and balanced because it's good for tenants. It's not about good guys and bad guys; it's about helping all those we can and stimulating rental units in the Toronto area and in the province of Ontario, while at the same time protecting and strengthening the rights of tenants.

In summary, I'm glad to stand here today to speak to this bill and to support this bill. I think it's a very important act for Ontarians, for those who live in rental units as well as for those who are landlords and who put the buildings up and are willing to put their neck out to build a building for rental purposes.

One other thing I wanted to mention is the rent bank. In this legislation, along with our investments in the Canada-Ontario affordable housing program, the strong communities rent supplement program and Ontario's rent bank, we've created an integrated housing strategy with all these elements coming together to assist vulnerable tenants by improving the availability, the affordability and the quality of housing in Ontario.

I'm happy to stand today to support this bill and see it go into committee for further discussion and come back,



hopefully, for final approval and become the law of this province.

**The Acting Speaker:** Time for questions and comments.

**Mrs. Munro:** Just a couple of comments. I found it interesting, listening to the member, looking at the question of the statistics and the value of vacancy rates and their connection to a healthy rental market. It's very interesting when you look at the history of this particular kind of initiative we are currently debating. It has a fairly long history, going back to 1975, when the then Premier, Bill Davis, introduced rent controls, and the kind of circumstances at that particular time, where you had a very, very small rental market, a huge growth in population as well as extreme inflationary numbers. So it certainly seemed like the right thing to do.

1750

But what's very interesting is the history of people saying no to rent controls. By 1978, there was a green paper which said that rent controls might not be the best option, but they continued on. In 1979, there was new rent control legislation.

We turn the clock up to 1988, the last time the Liberals were in office in this province, and they had a royal commission that recommended scrapping residential rent controls. So I think people might want to see the current discussion and the current legislation in the context of the fact that, over these years, there has been a great deal of debate and legislative time used in trying to find the right balance.

**Mr. Marchese:** I just want to know from the member from Scarborough Southwest how he intends to control rents as they relate to vacancy decontrol. I understand the capping, but I want him to explain: Does vacancy decontrol actually protect tenants in some way or other? Does he make the argument that because vacancy rates are high, it's not a problem; that rents, in fact, have been going down, perhaps, because vacancy rates are high? Is that an argument he's making? Because I don't see that. Statistically, by the facts that I have presented that were disputed by the member from Scarborough Centre, it doesn't show that. Vacancy rates are high, but rents have still gone up in Toronto, Kitchener and other places.

So it doesn't control rents in and of itself. What controls rents is rent control; we don't have that. This bill does not bring back rent control. It keeps vacancy decontrol, which means that when you leave a unit, the landlord jacks up the rent. They still do. In those areas where rents have been kept low because a tenant hasn't moved but has since died, God bless, now that rent on that unit can just jump right up. Vacancy decontrol allows that. There is no control on those units. I wonder

whether the member from Scarborough Southwest can help his tenants—explain that particular fact. It would help me; I'm sure it would help his tenants too.

**Mr. Bas Balkissoon (Scarborough–Rouge River):** I rise in the House to say that I'm very proud to support this bill from the government. Let me tell you that when there was real rent control, as the member from Trinity–Spadina puts it, my experience in all the years I spent on city council was that there were very few rental units being built anywhere in the city of Toronto because landlords ran away when they realized they could not make a profit on their investment. This is when the condo market took off.

I'll tell you that this bill gives tenants, who are often vulnerable, more protection, while keeping our rental housing market very strong. My barber is a small landlord, and that he tells me continuously that he'd rather not raise the rent to keep his good tenants. But what he would like the government to do for him is that when he has a bad tenant, he can evict that tenant quickly and get someone in who is willing to pay rent and look after his property. This bill does that. I can tell you that the next time I sit in his chair, he'll be a happy person while he's cutting my hair, because that's a good thing. He's going to credit this government because we listened to him. I can tell you that his father would be a very proud person too, because his father is also a landlord of a couple of small housing units throughout Scarborough.

If you look at this bill, the government is actually saying that rents will go up in the future based on CPI, not some other imaginary number that has been used in the past, which is better than rent control. So I think the government has listened and responded to both landlords and tenants. I think we're doing the right thing for the public, we're listening to them, and I'm proud to support this bill.

**The Acting Speaker:** The Chair recognizes the member from Scarborough Southwest in response.

**Mr. Berardinetti:** I want to thank the members for their comments. Simply in summation, very quickly, this is a balanced bill. It's balanced because, as my colleague from Scarborough–Rouge River just said, this bill looks after landlords as well as tenants, so tenants get protection they previously didn't have, and landlords also get protection if they get a bad tenant. So we're balancing and protecting the rights of both. It's a good bill, it's supportable and I stand here today saying that this is something that is good for all people in Ontario.

**The Acting Speaker:** It being approximately 6 p.m. of the clock, this House stands adjourned until 1:30 p.m., Monday, May 15, 2006.

*The House adjourned at 1756.*



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**Assemblée législative  
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Deuxième session, 38<sup>e</sup> législature

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(Hansard)**

**Journal  
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(Hansard)**

**Monday 15 May 2006**

**Lundi 15 mai 2006**



Speaker  
Honourable Michael A. Brown

Président  
L'honorable Michael A. Brown

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers



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## LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 15 May 2006

*The House met at 1330.  
Prayers.*

### MEMBERS' STATEMENTS

#### CANADIAN FEDERATION OF UNIVERSITY WOMEN

**Mr. Garfield Dunlop (Simcoe North):** Last Saturday my wife, Jane, and I were honoured to be present at the Canadian Federation of University Women, Orillia branch, as they celebrated their 50th anniversary at a gala dinner at beautiful Geneva Park.

CFUW Orillia has provided a valuable service to the Orillia area for the past five decades. As the MPP for Simcoe North, I often meet with CFUW deputations, and they provide me with important feedback on humanitarian and women's issues. Locally, they also fundraise to provide scholarships to young women at our local secondary schools.

The guest speaker on Saturday evening was Ms. Sally Armstrong, an Order of Canada winner, an Amnesty International award winner and a very prominent journalist and author. Ms. Armstrong spoke on the important topic of discrimination against women in Afghanistan.

I'd like to thank CFUW Orillia president Jeanne Page, gala evening chairperson Joan Gordon, regional director Linda MacGregor and CFUW national president Rose Beatty, as well as all of those women who have been a part of the CFUW Orillia for the past 50 years. Their work is truly appreciated, and I wish CFUW Orillia all the best as they begin the next 50 years of their existence.

#### NURSES

**Mrs. Carol Mitchell (Huron-Bruce):** Last Friday, I had the opportunity to participate in Take Your MPP to Work Day with a local nurse named Janet Hullah. Janet is from Community Nursing Services. This is the second time I've had the opportunity, and I must say that it is a wonderful chance to see first-hand all of the good work that nurses do on a day-to-day basis.

I also had the chance to see first-hand the services that were provided and meet some of the clients who truly value the services that they receive from their nurses. These clients truly appreciate the visit, and they know they will be treated with care, respect and compassion.

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 15 mai 2006

Nurses are a very important part of our health care system. I encourage everyone to spend a few hours in their shoes to truly appreciate and understand the dedication and excellent service that they bring to their jobs. The enhanced funding of \$714,900 to the Huron CCAC and \$1,928,700 to the Grey-Bruce CCAC will go a long way in meeting the needs of the people from my riding of Huron-Bruce.

#### LONG-TERM CARE

**Mrs. Elizabeth Witmer (Kitchener-Waterloo):** I recently had the privilege of meeting with a number of long-term-care providers my community. They expressed grave concern that they cannot meet the increasingly complex care needs of the residents they serve, many of whom are recent discharges from hospital. They cannot do so without an immediate injection of new dollars to increase staffing levels. They cannot meet the nutritional needs of the residents on \$5.34 per day, nor can they adequately meet the feeding needs of the residents without more staff available to assist this increasingly frail population. They expressed very legitimate concerns about how they could pay their utility bills from an accommodation envelope that hasn't seen relevant adjustments in years. These homes need the funds that were promised and committed by the McGuinty government in the last election. They need the additional \$4,000 per resident to provide an additional 20 more minutes of care.

I would say to this government: Listen to the frail and vulnerable population. Remember that these people deserve dignity. They deserve to be fed, bathed and toileted within appropriate guidelines and with compassion and care.

I urge the Liberal government to immediately fulfill your election promises to provide more funding—\$4,000 for 20 minutes of additional care. Show the residents that you do care.

#### LANSDOWNE CHILDREN'S CENTRE

**Mr. Dave Levac (Brant):** I appreciate the opportunity to address an issue today that I was very fortunate to attend on Friday, which was the announcement for our children's treatment centres. On Friday at the local Lansdowne Children's Centre, we made a funding announcement that is going to be extremely valuable to our treatment centre there. Lansdowne Children's Centre is



very innovative. The executive director, who just left for Peterborough—and that's their gain and our loss—Diane Pick, has been a very creative instrument there for our children with special needs. They work very well with both school boards—\$240,000 to knock 150 more children off the waiting list to have these services to prepare them for school. More importantly—

*Interjection.*

**Mr. Levac:** And in St. Catharines as well. But more importantly, this is another one of those commitments that we had made as a government to ensure that the children who most need those services receive them. All three groups that were outside of my announcement heaped praise on the government and showed appreciation of the hard work of all the partners—the Rotary Club, the private sector, the personal donations that individuals make, the parents of those children, the school boards of those children. More importantly, at the end of the story, a parent stood up and said how wonderfully Lansdowne Children's Centre treated their child, who can now attend school for the first time since he was born.

This is a great announcement for us across the province. I thank Lansdowne Children's Centre for the services they provide.

1340

#### TOURISM

**Mr. Norm Miller (Parry Sound–Muskoka):** I rise today to raise concerns about the McGuinty government's failure to recognize the contribution that tourism can make to the economy of this province as well as to the small municipalities in areas such as my riding of Parry Sound–Muskoka.

Tourism in our area is still recovering from the effects of SARS, and more recently is facing challenges from the rising value of the Canadian dollar. Visitors to our region are down significantly, and more needs to be done to assist tourism operators in attracting visitors, not just to Toronto but to outlying areas as well.

Where are the initiatives that promote our rural and northern communities? Likely you won't find them, because this government has seen fit to slash the tourism budget.

Hotels and resorts are telling me that bookings are down significantly. Eva Dwyer of Winnetou Resort reported that five or six years ago they were 80% booked in March. Now they are lucky to be 10% booked, with shorter stays being the norm. US visitors are down significantly.

Cochrane is a perfect example of a community that could benefit from a tourism partnership with the province. The Polar Bear Habitat there is a world-class attraction, yet they only have \$20,000 for advertising.

While tourism agencies like Muskoka Tourism and Georgian Bay Country are doing their best to attract visitors to Parry Sound–Muskoka, the province must partner to help their efforts. Effective partnerships

between the government and tourism operators can yield great benefits for the province, for business and for municipalities. Yet this government has seen fit to cut the tourism budget by \$100 million in the 2006 provincial budget.

#### ONTARIO DISABILITY SUPPORT PROGRAM

**Mr. Gilles Bisson (Timmins–James Bay):** I want to raise for the members, but specifically for the Minister of Community and Social Services and the Premier, what people are having to go through, not only in my constituency but I'm sure it's happening everywhere else in Ontario.

I had the opportunity, like all of you, to go back to the constituency on Friday last week and meet with constituents; in this particular case, with Melanie. Here is a young woman, 30-some years old, who has had her life in control, has always been very good at being able to provide for herself, a good career, everything going the right way. All of a sudden she is struck with a mental illness in regards to depression and now finds herself in a situation of not being able to work.

What is frustrating her—and, I would argue, what frustrates me and others—is that she needs to get on to ODSP, the Ontario disability support program, but it takes eight to 10 months to be approved or rejected once a person has applied to the program. In that whole time, she is doing without. She has had to move in with her mother—she doesn't get the money she would normally get for room and board—and is surviving on \$200 a month.

I can tell you, talking to that young woman on Friday, that it is clear to me, as it is to everybody else, that that situation is causing her more stress than she needs at this particular point in her life. We need to get the government to respond to this issue and to make sure that ODSP application is done quicker so that people can get the decision they need and we provide proper supports in the meantime. It's unbelievable that the government allows this to happen.

#### CERTIFIED MANAGEMENT ACCOUNTANTS

**Mr. John Milloy (Kitchener Centre):** It's indeed a pleasure to rise in this House and offer a warm welcome to representatives from the Certified Management Accountants of Ontario, who are with us in the Legislature today.

The CMAs are here for two reasons. The first is to learn more about the priorities of the provincial government and the roles that are played by elected officials from all parties, political staff and civil servants in achieving them. The second is to update us all, as public policy-makers, on some of the major issues affecting the management accounting profession in Ontario and across Canada at this time.

It might interest members to know that the CMA profession boasts more than 20,000 members throughout the province and 47,000 members across Canada and internationally.

As accomplished financial professionals, certified management accountants provide valuable business advice and leadership to organizations of all sizes in every sector of the Ontario economy. They are found in all areas of the broader public sector, including the Ontario public service and even among the Ontario cabinet and federal members of Parliament.

We owe the CMAs a debt of gratitude for the contribution they are making to rigorous new standards for public accounting in Ontario. It is much appreciated.

Finally, a number of CMA's from ridings across Ontario are here today to let us know how they are making a difference in our communities. I encourage each and every member of this House to attend the reception that CMA Ontario is hosting this evening here in the legislative dining room from 5 p.m. to 7 p.m.

#### ED LUMLEY

**Mr. Jim Brownell (Stormont–Dundas–Charlottenburgh):** My riding of Stormont–Dundas–Charlottenburgh has been home to many prominent Canadians, from Ontario's first Premier to brilliant actors, sports figures and incredible community activists. The dedication, talent and spirit of these individuals have been recognized in many ways, and recently another outstanding individual has been honoured: Ed Lumley, former Cornwall mayor and former Stormont-Dundas MP and federal cabinet minister, has been named chancellor of the University of Windsor, his former alma mater.

Although Windsor was his hometown, Ed has called Lancaster, in the eastern part of my riding, home for some time now. Since moving to the region, he has dedicated himself fully to the community, both through public service as an elected official and through other means, such as his recent participation in the Cornwall Community Hospital fundraising campaign. Former Prime Ministers Pierre Trudeau and John Turner both saw the benefits in harnessing his abilities as minister for several portfolios.

Ed's tireless community involvement has previously been recognized locally when Cornwall named its premier sports arena after him. It is gratifying to all from my riding to see this well-deserving individual recognized in his hometown as well. No doubt those graduating students who will receive their diplomas from him will tell that story for decades to come.

On behalf of all my constituents, I congratulate Mr. Lumley on being named chancellor of the University of Windsor, wish him well in all future endeavours and thank him for his tireless commitment to the people of my riding.

#### CYSTIC FIBROSIS

**Mr. John Wilkinson (Perth–Middlesex):** May 1 marked the beginning of Cystic Fibrosis Awareness Month. Cystic Fibrosis is the leading genetic cause of death in Canadian children, and the Canadian Cystic Fibrosis Foundation has been at the forefront of the fight to cure CF for the last 40 years.

The foundation is a Canada-wide health charity, with more than 50 volunteer chapters, that funds vital CF research and care. Its mandate is to help individuals with CF, principally by funding CF research and by supporting high-quality clinical and transplant care. As one of the world's largest non-governmental granting agencies in the field of CF research, the foundation supports more than 45 top-ranking research projects in 2006.

Research funded by the foundation is exploring all aspects of the CF puzzle, from investigating new methods of fighting infection and inflammation in the lungs to finding new approaches in CF therapy that correct the basic genetic defect of CF.

With the aid of funding from the foundation, CF researchers working at institutions across Canada and right here in Ontario have achieved many milestones on the road to a cure for CF. Canadian researchers are viewed as leaders in the global effort to find a cure and effective control for the disease.

I'm pleased to welcome today to the members' gallery from the foundation Paul Arsenault, who's the vice-president of the board of directors, and Kelly Gorman, the manager of social action.

Finally, I'd like to invite all members to join my colleagues from Beaches–East York, Whitby–Ajax and the Minister of Health and Long-Term Care tonight for an all-party CF reception in committee room 230, from 5:30 to 7. The theme of tonight's reception is the role of newborn screening in the diagnosis and treatment of cystic fibrosis.

On a point of order, Mr. Speaker: I would ask for unanimous consent for members to be able to wear the CF pin for the month of May.

**The Speaker (Hon. Michael A. Brown):** The member has asked for unanimous consent to wear the CF pin for the month of May. Agreed? Agreed.

#### REPORTS BY COMMITTEES

##### STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

**Mr. Mario G. Racco (Thornhill):** I beg leave to present a report from the standing committee on the Legislative Assembly and move its adoption.

**The Clerk-at-the-Table (Ms. Lisa Freedman):** Mr. Racco from the standing committee on the Legislative Assembly presents the committee's report as follows and moves its adoption:



Your committee begs to report the following bill, as amended:

Bill 41, An Act to create a comprehensive system of rules for the transfer of securities that is consistent with such rules across North America and to make consequential amendments to various Acts / *Projet de loi 41, Loi instituant un régime global de règles régissant le transfert des valeurs mobilières qui cadre avec celui qui s'applique dans ce domaine en Amérique du Nord et apportant des modifications corrélatives à diverses lois.*

**The Speaker (Hon. Michael A. Brown):** Shall the report be received and adopted? Agreed.

The bill is therefore ordered for third reading.

#### BIRTH OF MEMBER'S GRANDCHILD

**Mrs. Maria Van Bommel (Lambton-Kent-Middlesex):** On a point of order, Mr. Speaker: Yesterday was Mother's Day, and to mark that day my daughter-in-law, Angela, gave birth to our ninth grandchild. It was her first baby, and so as a new mom, it was a great day to have a baby. The baby's name is René Van Bommel III. René Jr. is the proud new father of this eight-pound, 12-ounce boy, and René Sr., Darlene James and I are the absolutely ecstatic grandparents

**The Speaker (Hon. Michael A. Brown):** That, of course, is not a point of order, but maybe a point of shower.

#### MOTIONS

##### HOUSE SITTINGS

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** I move that, pursuant to standing order 9(c)(i), the House shall meet from 6:45 p.m. to 9:30 p.m. on Monday, May 15, 2006, for the purpose of considering government business.

**The Speaker (Hon. Michael A. Brown):** Mr. Bradley has moved government notice of motion 140. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

*The division bells rang from 1351 to 1356.*

**The Speaker:** All those in favour will please rise one at a time and be recognized by the Clerk.

##### Ayes

Amott, Ted  
Arthurs, Wayne  
Balkissoon, Bas  
Bartolucci, Rick  
Bentley, Christopher  
Berardinetti, Lorenzo  
Bountrogianni, Marie  
Bradley, James J.  
Broten, Laurel C.  
Brownell, Jim

Fonseca, Peter  
Gerretsen, John  
Hardeman, Ernie  
Hoy, Pat  
Jackson, Cameron  
Klees, Frank  
Levac, Dave  
Marsales, Judy  
Matthews, Deborah  
Mauro, Bill

Patten, Richard  
Peters, Steve  
Phillips, Gerry  
Qaadri, Shafiq  
Racco, Mario G.  
Ramal, Khalil  
Rinaldi, Lou  
Ruprecht, Tony  
Smith, Monique  
Smitherman, George

Cansfield, Donna H.  
Caplan, David  
Chambers, Mary Anne V.  
Chudleigh, Ted  
Colle, Mike  
Cordiano, Joseph  
Dhillon, Vic  
Dombrowsky, Leona  
Dunlop, Garfield

McMeekin, Ted  
McNeely, Phil  
Meilleur, Madeleine  
Miller, Norm  
Milloy, John  
Mitchell, Carol  
Munro, Julia  
O'Toole, John  
Parsons, Ernie

Sorbara, Gregory S.  
Van Bommel, Maria  
Watson, Jim  
Wilkinson, John  
Witmer, Elizabeth  
Wong, Tony C.  
Wynne, Kathleen O.  
Zimmer, David

**The Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

##### Nays

Bisson, Gilles  
Kormos, Peter

Marchese, Rosario  
Prue, Michael

Tabuns, Peter

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 56; the nays are 5.

**The Speaker:** I declare the motion carried.

#### STATEMENTS BY THE MINISTRY AND RESPONSES

##### AUTOMOTIVE INDUSTRY

**Hon. Joseph Cordiano (Minister of Economic Development and Trade):** It is an honour and a pleasure to rise in the House today and share good news with the people of Ontario.

What a difference two and a half years make. Since we took office in October 2003, we have seen an unprecedented \$7 billion of new investment in the auto sector.

When we formed this government, we wanted to take a targeted approach to investing in our province's anchor industry. We wanted a plan that would bring new investment and keep jobs in Ontario, create new opportunities for Ontarians and their families and make Ontario a global leader of innovation in the industry, and that's what we've done. We created our Ontario automotive investment strategy to do just that.

Today, I am proud to say that we have delivered on our commitment once again. On Friday the Premier and I, along with members who are tireless advocates for their communities, Mrs. Sandals, John Wilkinson and John Milloy, made an important announcement. Linamar Corp. announced that it is investing \$1.1 billion at its Ontario-based operations and it is creating 3,000 jobs over the next five years—high-paying, high-value jobs; the kinds of jobs that Ontarians want and deserve.

This Guelph-based company is a remarkable success story. In less than 40 years it has grown from a single operation to 34 plants around the world, 22 of them right in the Guelph area. What a show of confidence in our province and our workers.

Linamar has an ambitious growth strategy. It plans to develop, adapt and commercialize state-of-the-art machining, manufacturing and environmental technologies in automotive powertrain systems. What this means

is that the next generation of auto parts will be designed, developed and built right here in Ontario. That's why our government has joined in partnership with Linamar. Our \$44.5 million of investment will help Linamar upgrade the skills of both its current workers and new hires, and establish a technology centre in Guelph. This will ensure that through apprenticeship programs, Linamar will have access to a steady pipeline of skilled workers now and in the future.

This is the latest announcement stemming from a strategy that focuses on targeted investment, on securing high-value jobs for thousands of workers and their families. But this is about more than just one more auto investment in Ontario. This is another signal that our industry is gaining great momentum. This proves again that Ontario is the best place in the world to do business. After all, we are, for the second year running, the leading auto manufacturing jurisdiction in North America.

Today I want to congratulate and thank the hard-working families of Ontario who have made this dream a reality. It is they who deserve the credit, and it's Ontario families who rely on the auto sector who benefit from these great new investments.

I would like to remind the members of what has taken place in Ontario's most important industry. Our auto investment plans have leveraged nearly \$7 billion in new automotive investments in the province. Specifically, our \$500-million automotive investment strategy has leveraged more than \$5.4 billion in new investments at Ford, General Motors, DaimlerChrysler, and parts makers Nemak and Linamar. And we've attracted another \$1.3 billion, including the new Toyota plant in Woodstock and through the Navistar investments in Chatham and Windsor. This is good news, not just for the communities that benefit from the investments but also for all of Ontario. We understand that a strong auto industry means a strong Ontario.

Once again I say, what a difference two and a half years can make. I look forward to standing in this House again with more good news about good jobs and investment in our province, because it's investments like these that bring greater opportunities for Ontarians and their families. That is a commitment we are proud to deliver on today.

#### CHILDREN'S HEALTH SERVICES

**Hon. Mary Anne V. Chambers (Minister of Children and Youth Services):** Helping Ontario's children to achieve their full potential is a key priority for our government. It is our goal to help provide Ontario's children with the support and opportunities they need to ensure that their abilities overshadow the challenge of their disabilities.

Ontario's children's treatment centres, located across the province, play an essential role in helping us to achieve our goal for children and youth with special needs. These centres are community-based organizations that serve approximately 40,000 children and youth with physical disabilities and multiple special needs every

year. They range in size and scope, but each provides physiotherapy, occupational therapy and speech-language therapy as core services. Children's treatment centres serve children and youth who have disabilities, including but not limited to cerebral palsy, brain injuries, developmental or learning difficulties, Down's syndrome, spina bifida, autism or pervasive developmental disorder, and chronic and/or long-term medical conditions.

Last Friday, I was pleased to announce that, as part of our government's ongoing commitment to children and youth with special needs, we are providing Ontario's children's treatment centres with \$10 million in additional annualized funding. This represents a 17% increase over 2005-06. With this investment, our children's treatment centres will be able to serve almost 4,800 more children and youth with special needs, starting this year. Through this new funding, we are providing more services and making them more accessible, better coordinated and more responsive to the needs of children, youth and their families. This is great news for communities. This is great news for the people who work at children's treatment centres with such compassion and diligence, and most importantly, this is great news for children and youth with special needs and their families.

Our government is committed to helping families whose children have special needs. Last Friday's announcement is one of the many ways our government is helping children and youth with special needs and their families. Our government has now invested more than \$120 million in new funding since 2003-04 for services that are making a difference for young people with special needs across the province. Since 2003-04 we have also more than doubled spending on autism-related services, providing supports for more children with autism as well as more supports for teachers, more therapists and more coordinators. We have also increased annualized funding for mental health services for children and youth by \$38 million.

In partnership with the Ontario Federation of Indian Friendship Centres, we have launched Akwe:go, a program that provides aboriginal children and youth, through 27 centres across the province, with the tools, supports and activities needed to help them make healthy choices. We have officially opened One Kids Place, a new children's treatment centre in North Bay. And we have announced a new children's treatment centre for Simcoe county and York region, so children and youth with special needs in that region can access services closer to home.

Our government is working hard on many fronts to make a real difference for our province's most vulnerable children and youth.

#### POST-SECONDARY EDUCATION

#### ÉDUCATION POSTSECONDAIRE

**Hon. Christopher Bentley (Minister of Training, Colleges and Universities):** Ontario's most valuable economic resource is our people, and we are fortunate to



have some of the most highly skilled and educated people in the world. It is a legacy of our strong and affordable education system. If Ontario is to remain globally competitive, our continuing prosperity depends on quality and accessible post-secondary education. Our goal is to ensure today's students have access to a high-quality, relevant post-secondary education experience and that our institutions can keep pace with the needs of future generations of students.

Notre population étudiante et toute la population de l'Ontario méritent la meilleure éducation postsecondaire possible au Canada. Notre gouvernement s'est donné comme but de la leur offrir.

Today, I'm pleased to announce that our government is taking the next step to ensure students will have the best education we can offer, including education on civility in public places, and that taxpayers will see results for their investment. We have enshrined the link between quality and post-secondary education in law through legislation that establishes the Higher Education Quality Council of Ontario. This independent body will ensure continued improvement of the post-secondary education system by monitoring quality in the sector, access to post-secondary education and the accountability of colleges and universities.

1410

I'm pleased to appoint the Honourable Frank Iacobucci as chair of this important body. Mr. Iacobucci is a former justice of the Supreme Court of Canada and, last year, was interim president of the University of Toronto. In addition, he has served as Deputy Minister of Justice, Deputy Attorney General of Canada and also Chief Justice of the Federal Court of Canada.

With his extremely distinguished and varied background, Mr. Iacobucci is eminently prepared to take on this important challenge. He will establish our Higher Education Quality Council as the arbiter of quality in our post-secondary education system.

A key part of the council's role will be to monitor and report on performance measurement and guide the post-secondary education system towards improved quality. It will also monitor and make recommendations on the student access guarantee.

The council will undertake research on quality, participation and access and advise government on the best way to measure performance and institutional collaboration. The council will also provide enhanced transparency and accountability in the sector through regular public reports on the results that are flowing from the government's investment.

I look forward to working with Mr. Iacobucci as he helps us reach our goals by guiding quality improvements at Ontario's colleges and universities.

By ensuring a quality post-secondary education system, the government is supporting its goals for strong economic growth now and in the future. Our government believes it is not good enough to just stay the course on education quality, but that Ontario's institutions must strive to be the best in Canada.

Investing in people makes our country stronger. Training and education gives people opportunity and hope and can give young people, including those who are presently excluded, the skills and confidence to contribute and succeed in our growing economy.

**The Speaker (Hon. Michael A. Brown):** Responses?

#### AUTOMOTIVE INDUSTRY

**Mr. Ted Chudleigh (Halton):** I'd remind the government that Ontario needs announcements like this one at a pace of one per week for the next six months to offset the economic carnage of last fall and winter, when 80,000 manufacturing jobs were lost in Ontario.

I also remind the minister that these jobs are coming on stream over the next five years. People at Imperial Tobacco who lost their jobs and people at ABB in Guelph who lost their jobs have to be pretty patient over the next five years to wait for these jobs to come on stream.

This announcement also doesn't help the people of Collingwood, where Goodyear Tire, Kaufman Furniture, Nacan Starch, Bluewater Pottery and Backyard Products all shut down over the last six months—and that was just in Collingwood. Your government has yet to do one thing in that area to help some of the 80,000 families affected by layoffs and shutdowns across Ontario. You've been asked to meet with the mayor and the town council of Collingwood to talk about developing a plan for the future, and you haven't even done that.

This announcement could be a start, but you need at least one a week for the next six months to make up for the carnage that your economic policies have brought to this province since you've been in office.

#### CHILDREN'S HEALTH SERVICES

**Mrs. Julia Munro (York North):** My comments are in response to the announcement made by the Minister of Children and Youth Services. When we're looking at this announcement, we need to be clear about just how old some of these announcements are, particularly, in my own case, the question of the announcement for a new children's treatment centre for Simcoe county and York region. I participated with other members in that announcement 18 months ago. While obviously it was appreciated that this government chose to go forward with a plan that had been worked out by the previous government, nevertheless I think we need to understand that it is something that was announced 18 months ago.

In looking at the amount of money that is suggested today in this announcement for children's treatment centres, I think we should see it as a down payment. The minister herself in her remarks suggests that this will help almost 4,800 more children and youth, starting this year, but we need to put that in the context that as of March 31, 2005, there were almost 10,000 children waiting. So this is a down payment.

What we're seeing here is that this money goes towards helping fewer than half the number of children



who are actually on waiting lists. It's disappointing too in the fact that various institutions, like Erinoak, which frankly are bursting at the seams, need some specific money to look at the way in which they might be able to continue to serve the needs of their community as well.

#### POST-SECONDARY EDUCATION

**Mr. Cameron Jackson (Burlington):** I want to commend the Minister of Training, Colleges and Universities for his announcement and his selection. I am quite familiar with Frank Iacobucci's resumé; it's a very impressive one. As someone who has been involved in the justice issue, I can attest he has done a great job.

Minister, you have begun accountability agreements with our colleges and universities similar to the ones that have been put in place for hospitals. I notice that you indicate in your statement transparency and accountability responsibilities for this new office.

The other MUSH sector transfers do not have this quality assurance kind of oversight, so I'm not sure if you are trying to insulate yourself from some of the difficult decisions they may have to make, or if you truly believe that the academic transfer agencies can be that much more independent of the arm's reach of a minister. We will watch with interest to see how that evolves.

Some of the early reports we are getting from universities and colleges are that the staff-to-student ratio is not moving and that the monies you have given are still dead last in Canada in terms of provincial participation. We would hope that we are actually getting new hires, and I'm pleased that—

**The Speaker (Hon. Michael A. Brown):** Thank you.

#### AUTOMOTIVE INDUSTRY

**Mr. Gilles Bisson (Timmins-James Bay):** On behalf of New Democrats, I think about those thousands of workers who have lost their jobs in the automotive sector over the last two and a half years. When the minister says, "Look what two and a half years gets us," tell that to the people of Oshawa, Oakville, Windsor, St. Catharines and, soon, St. Thomas.

This particular announcement is one that I'm sure everybody is happy about and wants to have happen, but we can't lose sight of where we have been up to now; that is, that we have had net job losses directly in the automotive sector since this government has come to office. Today, we have yet again the Dalton McGuinty government doing another sort of pre-election announcement in preparation for what will be the fall election of 2007.

I say to the government across the way that your record will be one that you are going to have to run on, and in those communities where thousands of auto workers have lost their jobs because of this government's inaction, that will not bode well for you in the next election. That is not to even talk about what's going on in the automotive parts sector, which has been equally affected by this particular downturn in the industry.

#### POST-SECONDARY EDUCATION

**Mr. Rosario Marchese (Trinity-Spadina):** I want to say that the appointment of Mr. Iacobucci to the Higher Education Quality Council of Ontario is a good one. I have the highest regard for Mr. Iacobucci, and so what I'm about to say does not detract from what I'm about to criticize the minister on, and that is the following. I believe we should be measuring the quality of our post-secondary education. How we do it and what we're going to measure is the key. I would like Mr. Iacobucci to measure this:

(1) We have about \$1.4 billion worth of maintenance projects that need to happen quickly. They haven't happened in a long, long time, and I wonder whether Mr. Iacobucci is going to measure the quality of the state of repair of our buildings and comment on that.

(2) We have high class sizes in our post-secondary system, which are affecting the quality of the education our students are getting. I wonder if Mr. Iacobucci is going to measure, by way of his research, the effect of high class sizes on the quality of our educational system.

(3) I wonder whether Mr. Iacobucci, in his mandate, is going to be able to measure the effect that high tuition fees students are paying—the previous government increased them, and this minister is doing the same by an incredible increase to post-graduate students—has on the social and economic lives of those students and on the social and economic impact it has on our life in general.

**1420**

(4) The Ombudsman is independent. He or she reports to the Legislature. Mr. Iacobucci is not going to be reporting to the Legislature; he will be reporting to the minister. As such, there is a different kind of reporting that is not, in my view, the independence we were looking for as it relates to the Ombudsman. When we have that kind of reporting, then we can seriously say that that is independence.

#### CHILDREN'S HEALTH SERVICES

**Mr. Michael Prue (Beaches-East York):** In response to the Minister of Children and Youth Services: If anyone is to be commended today, it is the Ontario Association of Children's Rehabilitation Services and their CEO, Vicky Earle, because it is that group that has pressured this government consistently for the last two years, up to the announcement of today. They have worked extremely hard to ensure that this government understands what is needed for the children of Ontario, particularly those children who are in special needs.

Madam Minister, we know what the statistics are and we have been provided those by Vicky Earle. In 2005 there were 9,086 children who were on the waiting list. They waited an average of 31 weeks in order to get services in Ontario. That is up 25% since the time that you took office in 2004, when the waiting list was only 24 weeks. They have also advised us that this has been a crisis of which they have informed you throughout your



mandate. They have told you that they need \$14 million, and today you've given them \$10 million. They have told you that with \$14 million, they could decrease the waiting list to 12 weeks. They're not going to get anywhere near that with the money you have provided.

These are our children. The average age is four and a half years. Those are the children who are most in need. They are most in need because, as they get the service, they will be able to develop as fast as only young children can learn and take advantage that fast. We know that what you have done today is something good, but it's not enough. We want to know why the government waited so long. Why did it take you three years to get it only half right? There is so much more that needs to be done. Please do it.

#### DONALD DOUCET

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** I believe we have unanimous consent for all parties to speak up to five minutes to recognize a fallen police officer.

**The Speaker (Hon. Michael A. Brown):** Agreed? Agreed. The member for Sault Ste. Marie.

**Mr. David Orazietti (Sault Ste. Marie):** It is with great sadness that I rise in the House today on behalf of the government and the Legislature to honour senior Constable Don Doucet and offer our sincerest condolences to the Doucet family, as they have lost a loving husband and father. We deeply regret that the 41-year-old Sault Ste. Marie police officer was killed in the line of duty yesterday, May 14, at approximately 2:40 a.m. Don was a 12-year veteran of the Sault Ste. Marie police force.

This is the first time since the force was formed in 1860 that an officer has given his life in the line of duty. This tragic loss has caused tremendous sadness in my community and indeed the province. We have lost an officer who truly loved his job and dedicated his life to the service of others.

Constable Doucet was promoted to detective but chose to continue his work as a patrolling officer. Constable Doucet was an exemplary role model to his colleagues and was chosen as one of the few training officers in the Sault Ste. Marie police force, acting as a mentor to new officers for the first three months of their job. He took great pride in working on the streets of our community, helping out his neighbours and working side by side with his colleagues.

This didn't stop when he took off his badge. His neighbours spoke fondly yesterday of a man who kept their streets safe even when he was off duty. They recalled an incident where Don had caught a couple of youths who had stolen Christmas decorations. The constable walked the kids back to the house from which they had taken the lights and made them apologize directly and take responsibility for their actions. He didn't have to involve himself in that situation. He wasn't on duty and

they weren't his children, but he believed in a notion that is too often ignored in our hectic, fast-paced society: community. The word is thrown around a lot, but it involves more than just a membership by default of where one lives. It's an active process that involves forging relationships and looking out for everyone, young and old alike, and vulnerable as well. Those kids learned a lesson that day because Constable Doucet understood that. It's an important part of his legacy.

His community involvement also went well beyond his own street. Constable Doucet involved himself in many charitable activities in the community. On behalf of the police force, he helped organize a successful cancer fundraiser. He volunteered his time to participate in numerous charitable sporting events with the Sault Ste. Marie police force. He played in a charitable match between the police and the OHL's Soo Greyhounds, and he participated in basketball fundraisers against local teachers.

It is a testament to his involvement in Sault Ste. Marie that there has been a tremendous outpouring of grief by our community leaders. Our city's police chief, Robert Davies, said, "The men and women of the Sault Ste. Marie Police Service are deeply saddened with the tragic loss of one of our own members who died while serving the citizens of Sault Ste. Marie."

"We extend our thoughts and sympathies to Constable Don Doucet's wife, Debbie, and children, Jocelyne and Courtney. Constable Doucet is the first officer in the history of the Sault Ste. Marie Police Service to be killed on duty."

Our city's mayor, John Rowsell, said, "On behalf of the citizens of Sault Ste. Marie I would like to express our condolences to the Doucet family in their loss of a very special person. The men and women of the Sault Ste. Marie Police Service patrol our streets day and night with the intent of keeping us safe and out of harm's way. Actions of others can result in an officer not coming home at the end of the shift, and their family and co-workers suffer the loss of someone dear to them. This is what happened last night."

Police officers, as we all know, are special individuals who, in the routine of their day-to-day work, put themselves in harm's way to serve and protect all of us so that we can enjoy the rights and privileges we too often take for granted. In a day and age when our access to information through media inundates us with lawlessness and conflict in many parts of the world, we are reminded of the vital role our police officers fulfill in our towns and cities throughout Ontario.

Everyone expects that when their husband or wife or son or daughter goes to work, they'll come home, but this tragic event is a stark reminder of the many dangers faced by police officers each day in serving all of us.

It is within the Doucet home that Constable Doucet's loss will be felt the deepest. There, he was known as Dad to his daughters Jocelyne and Courtney, and husband to his wife, Debbie. Their immeasurable sorrow cannot possibly be consoled by any words said today, so all I



can humbly offer on behalf of this Legislature is our sincere gratitude for their husband's and father's selfless commitment to his job and to his community.

**Mr. Garfield Dunlop (Simcoe North):** On behalf of our leader, John Tory, I am pleased and honoured to be able to stand here today and pay tribute to the life of Senior Constable Donald Doucet of the Sault Ste. Marie Police Service. Although I never had the opportunity to become acquainted with Donald, I understand that he was in fact a very dedicated and devoted patrol officer.

As the first Sault Ste. Marie officer ever to lose his or her life in the line of duty, Senior Constable Doucet was a passenger in a patrol car when the car collided with a minivan early on Sunday morning.

Out of his 12 years with the Sault Ste. Marie Police Service, Donald Doucet spent 11 years on patrol. He did in fact try detective work for one year, but quickly asked to be put back on patrol.

Earlier today, I had a phone conversation with Chief Bob Davies of the Sault Ste. Marie Police Service. I wanted to pass on our condolences and to ask him what kind of man Donald Doucet was. Chief Davies summed it up in four words: "Donald Doucet loved life."

He loved his wife, Debbie, and their two beautiful daughters Jocelyne, 19, and Courtney, 16. He loved working with his fellow officers, and he loved to go to work. He loved working on community programs such as the Canadian Cancer Society fundraiser Clip a Cop, charity basketball games, and the charity hockey games, where he would take part in hockey games where the police service and members of the OHL Soo Greyhounds would participate. He loved outdoor activities and was an avid golfer. Yes, Mr. Speaker, he loved life.

Once again, a police officer has given his life in the line of duty. Last week at this time, we paid tribute to Senior Constable John Atkinson of the Windsor Police Service, who was brutally murdered, and today to Donald Doucet of the Sault Ste. Marie Police Service, who died as a result of an impaired driver. These two police services are over 1,000 kilometres apart, and all Ontarians must stop and reflect upon the lives of police officers. Each and every day, 24 hours a day, 365 days a year, the men and women of our police services put their lives on the line so that all Ontarians can live in a safe and secure environment. We thank them for that service.

Again, on behalf of John Tory and our PC caucus, and in fact on behalf of all Ontarians, we send our deepest regrets to the Doucet family and to all the members of the Sault Ste. Marie Police Service.

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**Mr. Howard Hampton (Kenora-Rainy River):** Today is another very sad day. It is always sad when someone who works in the public service loses their life. It is always sad when this happens in the line of duty. It is always sad when someone who gives so much to the community is, in a split second, taken from the community, taken from their colleagues, and in this case taken from their family.

I think what everyone would recognize in this incident is how senseless it is: a police officer riding in a cruiser, doing the routine work, and in a matter of seconds something beyond their control, something beyond their capacity to prevent, and that police officer is no longer with us.

This is a terrible price that police services and other emergency services pay. It reminds us once again of our responsibility and our duty to do all that we can, and to do a better job to ensure that this doesn't happen, or that it happens certainly less often than it now seems to be happening.

On behalf of New Democrats, we extend our condolences to the children of officer Doucet—his daughter Jocelyne, his daughter Courtney—and of course to his wife, Debbie.

By all accounts, he was not only an excellent police officer, but he was a first-rate member of the community, someone that I'm sure everyone in Sault Ste. Marie was proud of and that we would be proud of.

This is a very sad day for Sault Ste. Marie, a very sad day for the community and, as I say, a very sad day for the colleagues of Officer Doucet.

We send our condolences, but we must all recognize that we need to do a better job here, that we need to do a better job across Ontario to ensure that senseless things like this happen far less frequently.

**The Speaker:** I ask that all members and guests please rise with me to observe a moment of silence for Senior Constable Don Doucet.

*The House observed a moment's silence.*

## ORAL QUESTIONS

### HEALTH SERVICES

**Mrs. Elizabeth Witmer (Kitchener-Waterloo):** My question is for the Minister of Health. In this morning's Toronto Star you have been quoted as planning to review delisted OHIP services. This is certainly a conversion, since it was your Premier and your government that delisted three key health care services—chiropractic, physiotherapy and eye exams—in the 2004 budget, while at the same time asking Ontarians to pay about \$2.5 billion more in health taxes.

I ask you today, Minister, as you do this review, will you commit that eye exams will be a top priority for renewed OHIP coverage, since we all know that this is preventative health care and that for many Ontarians an eye exam can prevent serious eye disease and also blindness?

**Hon. George Smitherman (Minister of Health and Long-Term Care):** The honourable member, having read the story in today's paper, will know the answer to the question.

There was an opportunity for us to reconsider a list of decisions that the cabinet took, while she was serving as



Minister of Health, to delist a variety of OHIP-funded services. Upon reflection, and the Ombudsman has been doing some work in this area, it seemed that one of those items that was delisted was a prosthesis, testicles for boys who lose those due to cancer. It was felt, based on the medical judgment, that the psychological benefit of having these prostheses available as an OHIP-funded service was appropriate for reconsideration. Accordingly, I've indicated in the paper today that the government will be moving forward to relist those services for those young boys in Ontario who, according to their medical assistants, require them. That will be the limit of the reconsideration at this time.

**Mrs. Witmer:** There are hundreds and thousands of people who have expressed concern about your massive \$2.5-billion tax increase and the delisting of those three key services: eye exams, physiotherapy and chiropractic, so I would ask you again: Knowing that about 1.2 million people benefited from chiropractic services, will you commit that you will consider for OHIP reinstatement coverage so that people can remain active and functional?

**Hon. Mr. Smitherman:** As a matter of course, we have a circumstance which compounds the challenge, and that is the Conservative Party position on the issue of health care funding. The honourable member likes to stand in her place and talk down the reality that the health care system in Ontario has been given the benefit of additional resource from the people of Ontario. It's her party's strategy to cut health care spending by \$2.5 billion a year. The honourable member or her leader has yet to reconcile the circumstance where on the one hand they come to the Legislature every day asking for additional spending, and then on the other hand they say that they'll be cutting health care spending by \$2.5 billion.

I take the honourable member's point. Of course we look for all opportunities to be able to expand health care services in Ontario. That's why we funded 49 new community health centres and 30 residential hospices, just as two examples of the new health care services that are coming to life to support important community priorities.

**Mrs. Witmer:** The minister knows full well that we are not going to be cutting health services and should desist from lying.

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Order. I need to be able to hear the member ask her final supplementary.

**Mrs. Witmer:** The member opposite knows full well that you had almost a \$3-billion surplus in your last budget. You easily could have eliminated the health tax yourself. You just didn't want to balance your budget. You don't care about people in the province of Ontario who have to pay the interest costs.

I say to you again that you hurt a lot of people—seniors, hard-working families, people on fixed income—when you delisted those services; you hurt people who can't get physiotherapy services, who don't have

day-to-day mobility or who are unable to manage their chronic pain. I ask you today, Minister, will you be on the side of the hard-working people in Ontario and will you reinstate coverage for physiotherapy services?

**Hon. Mr. Smitherman:** I think that anyone listening in to that honourable member, with the role that she played in the previous government, would take with a grain of salt any suggestion about what they might or might not do.

We are all very much aware of, hardened and seasoned by, a very famous quote from that party while in government: "It is not our plan to close hospitals." Yet the circumstances for 28 Ontario communities have become rather clear, with the tremendous reductions in health care services that are occurring there. Through the work that—

**Mrs. Witmer:** It wasn't your plan to raise taxes either.

**Hon. Mr. Smitherman:** The honourable member heckles, but she has not yet come clean with Ontarians. She has not fessed up. She has not taken accountability for the reality that as a member of the Ernie Eves government she stood, along with all those others, at Magna and pretended that the government of Ontario was in balance when in fact we know the reality was that the government of Ontario was \$5.5 billion in deficit that year. This, of course, is the record of that honourable member and—

**The Speaker:** Thank you.

*Interjections.*

**The Speaker:** Order.

1440

## TRANSPORTATION INFRASTRUCTURE

**Mr. John O'Toole (Durham):** My question is to the Minister of Transportation. This Victoria Day weekend, the first long weekend in Ontario, many families will be heading out on their first break from their daily struggles. In fact, you won't be surprised that the tone of the article is anything but praiseworthy of you and your lack of a plan. In fact this is what I found the most telling. It says here, "The driver would not be surprised that you can't get there from here." The reason is, Minister, you simply have no plan for the gridlock that is confronting the people of Ontario. You have no plan, except for a few more photo ops, to ease the gridlock. In fact, your department itself is in gridlock. You know that, and I think that's well explained in the article.

The article goes on to say they are in no better shape today to handle problems with transportation than they were 10 years ago. We know much of the problem in my area—

**The Speaker (Hon. Michael A. Brown):** The question, I think, has been asked.

**Hon. Harinder S. Takhar (Minister of Transportation):** I want to thank the member for asking this question. What he needs to know is what the previous government did, and that's why we are in this situation.



Our government is making a \$1.2-billion investment in highways every year. But more than that, we are taking a very balanced approach to the congestion issue. We are also investing in public transit. We just announced \$858 million for three projects. In addition to that, we are making an over \$800-million regular investment in public transit.

Our government was the first ever in this province to provide stable funding to the municipalities so that they can address some of their issues. I will be pleased to quote more numbers when the member asks the supplementary.

**Mr. O'Toole:** Minister, it appears that your plan is looking in the rear-view mirror, looking to when we were government. In fact, much of what you've announced was done when Minister Klees was in charge of that department—the high occupancy vehicle lanes, the subway planning—most of the plans.

In fact, if you want to go through the list that's mentioned here, the completion of 407 east to Highway 35/115 in my riding—where's the plan? The extension of Highway 404 through Keswick, Highway 427 to Highway 400 to Barrie, Highway 410 to Orangeville? In fact, what's really missing here is any plan. You have a lot of quick lines, a lot of photo ops, a lot of numbers you like to quote, but where's the plan? Gridlock is the evidence that you lack a plan. You've got lots of numbers. Most of them are 10 years out. Minister, just tell the people of Ontario what the plan is or get them a roadmap out of town.

**Hon. Mr. Takhar:** I actually have a lot of respect for Mr. Klees over there, so I'm not going to personally get to him.

I was actually at an announcement at Highway 410 today, and this is what the mayor of Brampton said. She said that 410 was announced three times by the previous government and they did not deliver it. She said that this is the first government ever who not only promised but actually started construction. That is our record, and we are proud of our record.

**Mr. O'Toole:** I know once again you are looking to Mr. Klees to help you out of a tight situation when you lack a plan.

Going through the article here, the list goes on: the extension of 427 and 410 north, past Lake Simcoe, the 407 eastward. But more importantly, every time, even in the budget, you mention that you're going to fund some \$600 million for transit, and you know yourself that that transit isn't going to be visible or available for 10 years.

Just admit that most of the things that have happened—the HOV lanes happened because our government had a plan. You have no plan. There's nothing on the ground. I would ask you, Minister, to come clean with the people of Ontario and tell them what your plan is after three long years. The traffic's getting worse and there's clear evidence that you have no plan.

**Hon. Mr. Takhar:** Do you know who needs to come clean? That member. They cut public transit money from \$600 million to zero under their watch. They had the EA

for the 407, which was started in 1994, and they shelved it in 1999. If they had started on the environmental assessment for the 427, we would be building that highway right now.

No government in their own mandate can start the construction of a highway right from scratch and build it in their term. You need to have the EA done, but there was no environmental assessment done. If they had a plan, they should have done something. That is their record, and it stinks. That's why we are in this mess. We are now moving ahead with a balanced approach to address the congestion issues in the GTA and throughout this province.

## ENERGY POLICY

**Mr. Howard Hampton (Kenora–Rainy River):** My question is for the Acting Premier. The economic health of Ontario depends on a reliable source of electricity at sustainable and affordable prices. It's been more than six months since the Ontario Power Authority report was released, and yet the McGuinty government refuses to announce its response to that report. My question is, when are you going to respond to the report of the Ontario Power Authority and admit that the McGuinty government's real energy policy is your \$40-billion nuclear power scheme?

**Hon. Dwight Duncan (Minister of Finance, Chair of the Management Board of Cabinet):** The Minister of Energy.

**Hon. Donna H. Cansfield (Minister of Energy):** I thank the member for his question. To the year 2011 we have over 11,000 megawatts of new supply in the ground, ready to go; 3,000 of that is up and going already. So the long-term integrated plan is for beyond that.

I agree with my Premier. This is important. It's a huge issue, and we have to take everything under consideration. Interestingly enough, it was that member who said, "Go out and listen to the people. Talk to them." Now that we have done that, and we are now listening to them and looking at what they had to offer, they're saying, "Don't be bothered with that. It's not important."

It is important to us. We are going to get it right. We're going to take sufficient time in order to do it. This is for post-2011. We want to make sure that we get the right information out to the people in order to put together the right plan to keep the lights on in this province, something they didn't do.

**Mr. Hampton:** To correct the minister, what I insisted is that you take the Ontario Power Authority supply mix plan and put it to a full environmental assessment, something the McGuinty government refuses to do.

But it's not just the Ontario Power Authority plan that you want to hide away. Over a month ago, Minister, you committed to reviewing the outrageous salary increases given to Hydro One's chief executive officer, Tom Parkinson. You know him; you gave him a \$500,000 bonus, \$1.5 million in pay. And here it is: Despite your



promise, you found the time to raise hydro rates for low- and modest-income Ontarians by 15% and cause them a lot of pain, but still no review of those outrageous pay increases. Minister, will you immediately release your Hydro One Tom Parkinson executive gargantuan salary review?

**Hon. Mrs. Cansfield:** If the member actually wants to see what was in Mr. Parkinson's salary compensation, it's quite public and it's quite available. I indicated that what I would do is have a review from the chairs of the compensation committees of all of the organizations. If the member had simply picked up the phone and asked me that question, I would tell him that the review is under way. That's exactly what I committed to do: to have an understanding of how they got to their compensation, for all of the agencies. That's exactly what I am doing. I'm sitting down—as a matter of fact, I have another meeting today.

So he didn't have to ask here; he could have just simply picked up the phone and I would have reiterated what I said before: that we would in fact sit down with the chair and the compensation committee and ask them how they came to the conclusions that they have come to.

1450

**Mr. Hampton:** It was this minister who promised an executive salary review at Hydro One. We now find out that that salary review is nothing but a rubber stamp for the \$500,000 pay increase. Oh, and by the way, it's almost \$900,000 a year that the top-paid person at Ontario Power Generation gets; then there's the almost \$800,000 that Dave Goulding at the Independent Electricity System Operator gets; and, oh yes, Dalton McGuinty's former fundraiser Jan Carr now gets close to \$700,000 at the Ontario Power Authority.

Minister, here's the reality. You're jacking up electricity rates for people who don't have the money to pay. You're driving industrial electricity rates through the roof and killing thousands of manufacturing jobs, particularly in the pulp and paper sector. When are you going to level with the people of Ontario? When are you going to admit that the real energy policy of the McGuinty government is a \$40-billion—

**The Speaker (Hon. Michael A. Brown):** The question has been asked.

**Hon. Mrs. Cansfield:** I thank the member for his question. Actually, the reality check is that he should just check Hansard. I indicated that I would sit down with the chair and the compensation committee and ask them how they came to their conclusions around the review of their salaries. I did not say that I would do a salary review. So I think he needs to get a statement more accurate than what he has indicated. However, having said that, I am still saying that we are having those discussions, that they're ongoing.

I find it amusing, to say the least, that suddenly, when you're on the other side of the floor, compensation seems to be irrelevant, and yet it was this same gentleman who, when in cabinet, approved very extraordinary expenses for his own CEOs. So I guess what's good for the goose isn't good for the gander.

## SERVICES FOR THE DEVELOPMENTALLY DISABLED

**Mr. Howard Hampton (Kenora-Rainy River):** My next question is to the Minister of Community and Social Services. The families of the residents of Ontario's three regional centres for the developmentally disabled are concerned that their family members who currently reside at the three regional centres won't have the community supports they will need after the McGuinty government closes those centres. Can you tell those families, Minister, what is the McGuinty government's minimum standard of training for people who want to house a developmentally disabled person through a government-funded home share program?

**Hon. Madeleine Meilleur (Minister of Community and Social Services, minister responsible for francophone affairs):** I thank the leader of the third party for his question. I wanted to reassure the leader of the third party that this government is doing everything we can to make sure that those leaving our three institutions will be housed in a very, very secure, comfortable and professional environment. They will have properly trained people working with them.

A week and a half ago, I visited one of the institutions, and have met with those coordinators who work with the institutions and with the community to make sure that they will have the proper place with professionals in place. I was reassured that it is done in a great way and in a very supportive way, with professionals in place to welcome these individuals. As to the training that these people will have, for the supplementary—

**The Speaker (Hon. Michael A. Brown):** Thank you, Minister. Supplementary.

*Interjection.*

**Mr. Hampton:** I don't think the Ministry of Colleges and Universities has anything to do with this. This is about the minimum standards set by the Ministry of Community and Social Services.

This is an ad that was placed in Kingston, an ad for the home share program in Kingston. The ad seeks families to take in severely handicapped people from the regional centres that you're closing. When the people who run this program were contacted and asked what kind of training would be required to take in a severely handicapped person, they replied, "You don't need any experience and you don't need CPR or first aid" training. "You will have access to training but it's not necessary."

My question is this: Is this the McGuinty government's acceptable standard of care for people who are developmentally handicapped and need someone to help look after them?

**Hon. Mrs. Meilleur:** I wanted to reassure the leader of the third party, the community out there and the parents that this government takes its responsibility very seriously. We are investing almost \$376 million in additional capital and operating funding. A lot of this will be used to make sure that we provide good residential homes for these individuals—and also the community



there and the professionals who will work with them. Also, part of the money we're investing is to give training to those who already work with our people with a developmental disability. We will continue to invest. You know, it's very sad to always hear these questions that will give the impression out there that this government is not taking its responsibility seriously. I was reassured again, last week—

**The Speaker:** Thank you. Final supplementary.

**Mr. Hampton:** Minister, I want you to know that the families of the 885 residents in Ontario's three regional centres for the developmentally disabled are very concerned. They're very concerned that when they ask about minimum standards they don't get a response. They asked the same home share program in Kingston some other questions. They asked, "Why does the government prefer home share to group home programs?" They were told, "The first option is always home share simply because it's cheaper. It costs the government \$17,000 to service a disabled client in home share, compared to \$70,000 to place that disabled client in a group home."

Minister, why is the McGuinty government evicting residents of these centres for the developmentally disabled when guarantees for those people and their families are clearly not in place?

**Hon. Mrs. Meilleur:** First of all, the closure of these three institutions was supported by all governments. The NDP government supported it, the Tory government supported it and we're just continuing to place these people where they should be in the community. The leader of the third party should listen to the parents of those who were placed recently in the community to see how satisfied they are and the great change that they have seen in their loved ones since they have been placed in the community.

Institutions are not the way to look after our people with developmental disabilities. There have been a lot born since we stopped admitting in these three institutions. They have been placed in the community, and that's where they should be. We have professional people, very caring people, who look after them.

#### NATIVE LAND DISPUTE

**Mr. Garfield Dunlop (Simcoe North):** My question today is for the Acting Premier. The situation at Caledonia has been ongoing now for almost three months. Our leader, John Tory, has visited the community at least twice. Toby Barrett, the MPP for Haldimand-Norfolk, is visible at Caledonia on almost a daily basis. I will be visiting Caledonia on Wednesday of this week. The residents of Caledonia have not seen the Premier, they have not seen the Minister of Natural Resources and aboriginal affairs and they certainly have not seen the Minister of Community Safety and Correctional Services.

Acting Premier, officers at Caledonia feel abandoned. The community feels abandoned. In fact, I talked to OPP officers the other day and they said, "We feel like the meat in a sandwich." They feel abandoned by the McGuinty Liberals. Acting Premier, why haven't you, the

Premier and these key cabinet ministers shown your faces in Caledonia?

**Hon. Dwight Duncan (Minister of Finance, Chair of the Management Board of Cabinet):** Speaker, the minister responsible for aboriginal affairs.

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**Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs):** I would ask the members of the Legislature, in a situation like this, to work with us to try to settle this very complex and difficult dispute.

We are putting all our efforts to work with the Caledonia community and the Six Nations community. We have appointed top-flight people to deal with this, as you know, with former Premier David Peterson; Jane Stewart, former MP and cabinet minister in the federal government; and Barbara MacDougall. The two levels of government are working together on this situation. We would ask that all the members of the Legislature support this effort.

**Mr. Dunlop:** Acting Premier, as the Caledonia situation is prolonged, we now know that on the Victoria Day weekend, as it approaches, approximately 200 OPP officers from across Ontario will be on guard at Caledonia. These officers are needed in their detachments this weekend for such things as impaired and aggressive drivers, crowd discipline at our provincial parks and traffic control on our highways. Certainly Victoria Day weekend historically has been one of the most busy weekends where they require a strong police presence.

As detachments bring in additional officers on overtime, the budgets of the OPP and municipal contracts are soaring out of control. Caledonia is costing the OPP millions of dollars. This is after you have cut \$31.3 million from the field and traffic division of the OPP. Minister and Acting Premier, how do you intend to properly fund the OPP following the Caledonia situation?

**Hon. Mr. Ramsay:** I know the member is aware that the Solicitor General has addressed this question. He has spoken about the global budget that the OPP receive on an annual basis. He has also explained to members of the House the nature of a provincial police force as vast as the OPP, that basically it is designed to respond to emergencies. That's what a police force is. It does its day-to-day policing but it also has the reserve to respond to emergencies. That's the nature of a province-wide police force that is as great as the OPP. It is well within its capacity to deal with a situation such as this, as complex as it is. They have adequate resources to deal with this.

I would ask the member to have the patience, as we've asked, and as the Premier has asked the people and the community to allow us the time to respond and to solve this dispute.

#### DISABILITY BENEFITS

**Mr. Michael Prue (Beaches-East York):** My question is to the Minister of Community and Social Services.



Brian Woods, a citizen of Ontario living in Lindsay, suffers from heart disease and diabetes. He has bleeding holes in his feet. He is nearly blind. He is also on ODSP and struggles very hard to get by on that money. He requires a special diet to manage his diabetes.

But when he has applied for his special diet supplement, your ministry has consistently refused him. It took him a year and a half to go through the entire process to finally, with the Ombudsman's help, gain the money he needs. But a few months later, after he had finally won his case, you and your staff announced that you were cutting his nutritional allowance in half. Minister, this is a very ill man. When are you going to restore his diet supplement, and more importantly, when are you going to stop trying to take it away?

**Hon. Madeleine Meilleur (Minister of Community and Social Services, minister responsible for franco-phone affairs):** Let me thank you first of all for the question, because there has been a lot of misinformation given by some people about the special diet allowance.

The special diet allowance was put there for a reason. It's to give a supplement to those who are suffering from a medical situation, a disease, which needs a special diet. We wanted to make sure that everyone who needs a special diet will get it.

We have asked the Ontario Medical Association to help us develop a list of medical conditions which will give these people the supplements they need for their diets. We have a list that we are reviewing, because recently there was a large increase of these requests for special diets, and in the—

**The Speaker (Hon. Michael A. Brown):** Thank you. Supplementary?

**Mr. Prue:** Madam Minister, this is a very ill man. He's so ill that the Ombudsman had to intervene. Mr. Woods went to the Ombudsman, and the Ombudsman came out on his behalf. Not only did he give him the nutrition allowance he needed, but he gave him \$6,500 in arrears that your ministry should have given Mr. Woods all along.

He's not the only one struggling to be heard in Dalton McGuinty's Ontario. Last week, before the estimates committee, you admitted that people without children on ODSP are actually worse off today than they were when the McGuinty came to power. I believe that's true.

When are you going to give folks like Brian the supports they need to get by in this very difficult time for them? When are you going to stop cutting the diet allowance? When are you going to start giving people enough money to have adequate meals?

**Hon. Mrs. Meilleur:** I want to emphasize that this allowance is for people who require a special diet. We are taking action to ensure that the special diet allowance is doing what it was designed to do. This ministry has reviewed the special diet allowance program. We have worked with the Ontario Medical Association to create new application forms that clearly list the medical condition that requires a special diet. These changes will help to keep the program accountable and sustainable, allow-

ing medical professionals to do their jobs and determine medical conditions only. Rest assured that every Ontarian who has a medical condition listed by a professional will receive the special diet allowance.

#### ASSISTANCE TO ARTISTS

**Mr. Richard Patten (Ottawa Centre):** My question is for the Minister of Culture. I want to ask the minister a question related to a promise that was made by the government on the status of the artist. According to Stats Canada in the 2001 census, the average artist in Ontario earns only about \$26,000 per year and the average compensation for employed dancers is \$14,945. According to the Cultural Human Resources Council, base salaries in not-for-profit organizations are well below salaries for similar positions in other not-for-profit sectors and the national average for all.

The government had said, "We will immediately establish a minister's advisory council for arts and culture.... This council will produce a report on the status of the artist ... in the 21st century. This report will be used to develop status of the artist legislation for our artists in Ontario, following the successful lead of Quebec and Saskatchewan...." Minister, what are you doing about this?

**Hon. Caroline Di Cocco (Minister of Culture):** I'd like to thank the member from Ottawa Centre for the interest in the socio-economic status of the artist initiative. The member I know is also a visual artist in his own right.

First of all, artists who create here play an important role in our province. Last week, many members of this House met with actor representatives. One of Canada's leading actors, Sonja Smits, said, "The truth of the matter is that at long last, hundreds of millions of dollars are being invested today into our provincial and cultural institutions, and it's time to do something for the artists and performers who light up those buildings."

This morning, I met with the members of the subcommittee of my advisory council for arts and culture, who have been working on this for over a year. It is our intention to move forward to improve the socio-economic status of the artist, recognize and enhance the labour status of artists, promote artists and their work and enhance artist health and well-being.

**Mr. Patten:** I'm glad to see that you're moving on this, Minister. I won't tell you what my income is from the sale of some of my paintings this year. But I will say that I have a letter from an artist in my riding who identifies a few specific areas. I'll cite two or three areas, and I wonder if these are things that your advisory committee or your legislation would attempt to deal with:—Opening the doors for training programs for artists who, from time to time, only perform part-time because they need other skills to earn a living, i.e., opportunities for training;

—An opportunity for the protection of children who may be working on a film on what may be a dangerous set. Are you planning on addressing that?



—Another is allowing artists to average their incomes over a number of years for tax purposes, because one year may be good and the next year may be very poor.

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**Hon. Ms. Di Cocco:** There are many areas that are being looked at. I have at this time an interim report on the socio-economic status of the artist that have dealt with a number of these matters. I'm look forward to a full report.

Again, I'd like to thank all the members of the advisory council and the ministry staff, as well as artists and art organizations, for their work during the consulting process and for providing sound advice.

I'd also like to note that I have heard the concerns of the artists, actors and the arts community. I'm aware of the vulnerable state of artists in Ontario and intend to move forward towards helping to improve the socio-economic status of the artist, as the member has asked in his question. I want to say that my advisory council has held consultations across this province and received 3,600 responses from artists all over this province.

#### ACCESS TO INFORMATION

**Mr. Frank Klees (Oak Ridges):** My question is to the Attorney General. The Canadian Association of Journalists annually bestows the Code of Silence Award to the country's most secretive government department. This year, that dubious prize has been handed to our own Michael Bryant, Ontario's Attorney General, for presiding over a department that, in the words of CAJ president Paul Schneidreit, hides important information "behind outrageous and unjustifiable fees." I want to ask the minister, how does this latest recognition of your department as "the most secretive government body in Canada" fit with your government's promise of democratic renewal, and what will you do to respond to the concerns raised by the CAJ, as symbolized by your most recent distinction?

**Hon. Michael Bryant (Attorney General):** I want to thank the member for his question. Indeed, I have apparently been given the Code of Silence Award. I would like to comment on the matter, but I'm afraid it's before the courts.

**Mr. Klees:** I can understand why he would not want to comment on this distinction. The fact of the matter is that, contrary to the previous government, which implemented fees that were a recovery of costs, this Attorney General is responsible for increasing fees on top of that fee schedule that is referred to as "unconscionable."

That Code of Silence Award was not given to a former Attorney General from a previous government. It was given to this Attorney General. So I ask in a very straightforward way, what is this Attorney General going to do to address the fundamental issue this award represents; that is, that he now has the honour of heading up what has been referred to as the most secretive department of any government in this country?

**Hon. Mr. Bryant:** Let me start by saying that the men and women who work in the Ministry of the Attorney

General are the most dedicated public servants that anybody could ask to work with, and I want to thank them for the work they do.

Quite seriously I say to the member that I can assure him that there is no cost to retrieve and view files associated with any criminal and family matters. There's no cost for those matters even when staff need to retrieve files from the archives. I can assure the member as well that I am particularly interested in this issue. That is why I struck the first ever Ontario Panel on Justice in the Media, including not only a number of people who work in the justice system but people like Trina McQueen and John Honderich, who have enormous experience, so they can bring whatever concerns there may be to the table. I'm anticipating receipt of their report very soon.

I can assure you that we want to make sure that we have an accountable justice system. I'll continue to work with the dedicated public servants in the Ministry of the Attorney General and will accept the particular award that has been bestowed upon me by the member—

**The Speaker (Hon. Michael A. Brown):** Thank you. New question.

#### AUTISM SERVICES

**Ms. Shelley Martel (Nickel Belt):** I have a question for the Minister of Children and Youth Services. A summary of the autism budget and expenditures shows that in 2003-04, six months under your government, \$80 million was budgeted to be spent: \$2.6 million was diverted to other children's programs; \$1.5 million was diverted to the Ministry of Education and training; \$32 million was returned to the consolidated revenue fund unspent. In 2004-05, \$89 million was proposed to be spent; \$21 million was spent on other children's programs instead of autism.

At the end of 2004-05, there were 399 children who had qualified to receive IBI but were still on a waiting list. There were another 287 who were waiting to be assessed. Can you tell me, when 399 children were sitting on a waiting list for IBI service, how could you have ever transferred \$21 million to other children's programs?

**Hon. Mary Anne V. Chambers (Minister of Children and Youth Services):** I'm really happy to have the opportunity to speak about what our government is doing for children and families suffering from ASD. I think it's really important that we look at what we're doing, not just where we have come from, because most people in this Legislature who are prepared to be frank and sincere about this issue would have to acknowledge that we have increased our funding for autism services substantially.

I can give you an illustration of the impact of that: Wait lists for assessments are down by 68%. That means that as soon as a child is assessed, they start to receive a continuum of services that address the needs of the child at their particular stage of development.

I also think it's really important to recognize that the number of kids receiving IBI has increased by —



**The Speaker (Hon. Michael A. Brown):** Thank you. Supplementary?

**Ms. Martel:** Minister, the facts speak for themselves, and this comes from your ministry. At the end of the 2004-05, there were 399 kids sitting on a waiting list for treatment, and instead of giving them treatment, your ministry diverted \$21 million to other children's programs.

Lauren Murray of Dryden, Ontario, who was cut off from the IBI program when she turned six—cut off under your government—has now received a letter from child care services in Sudbury that she could qualify for service as a result of Justice Kitley's decision. There is an IBI therapist in Dryden who is available three days a week to provide IBI service to Lauren Murray. The problem is that child care resources did not have enough money from your ministry to pay for this therapist. This situation is being repeated over and over and over again in every community in Ontario.

Tell the families with children with autism, Minister, how it is that when 399 kids were sitting on a waiting list, you had money to return to the consolidated revenue fund and you had money to spend somewhere else.

**Hon. Mrs. Chambers:** The member from Nickel Belt is stuck in the past. I would like to have the opportunity, and I thank her for the opportunity, to tell her what's happening in the year 2006-07. For example, every single child is being assessed in a consistent manner on a first-come, first-served basis regardless of age. Let's get the facts up to date: Every single child in this province is being assessed on a consistent basis regardless of age.

We are also building capacity in the system because, obviously, in trying to reach out to care for more children, we need more resources to do that. So we introduced a new college-level program, which started last year. We planned for an enrolment of 100 students in the autism and behavioural analysis program; we have 300 people registered in that program. That's good news for children with autism and their families. We have—

**The Speaker:** Thank you. New question.

## ELECTRICITY SUPPLY

**Mr. David Zimmer (Willowdale):** My question is for the Minister of Energy. The blackout of August 2003 was an important warning to us all that Ontario needed to review its energy supply strategy. This is no truer than right here in the city of Toronto. In the 1960s, Toronto had half the population and 1,200 megawatts of generation power in the city. Today, we have twice the population and no generation capacity in the city.

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The demand for electricity is testing the limits of our energy supply. The residents of Toronto and Willowdale are increasingly aware of the particular challenges faced by the city of Toronto. Conservation is a big part of the solution. Minister, how is our government working with the people of Toronto and Willowdale to create a culture of conservation?

**Hon. Donna H. Cansfield (Minister of Energy):** I'd like to thank the member from Willowdale; he's dead on. Summer is coming and there are things that we need be able to do. One of the things that we're able to do is put forward the peakSAVER program with Toronto Hydro, as an example. There's a commercial side, and what they do is actually switch off, to go to the generators on the commercial side, and they cycle down for air conditioning on the residential side. When I was at the demonstration, within five minutes we had cycled off, cycled down or generated eight megawatts. It will go up to 36 megawatts in a very short period of time. They hope to be able to peak shave off 200 megawatts by 2007.

These are just the kinds of examples that local distribution companies are working on for saving dollars during those high electricity times when they can shave the peak off at the local level. This is something we encourage through the local distribution companies, and Toronto has taken the lead with what they're doing with seven or eight very large commercial institutions.

**Mr. Zimmer:** Thank you, Minister. The residents of Toronto and Willowdale are willing to do their part to increase conservation efforts, but they need to know that their government is going to do everything necessary to ensure that they have access to a safe, reliable supply of electricity. What is the government doing to ensure that we keep the lights on for the people of Toronto and Willowdale?

**Hon. Mrs. Cansfield:** The Independent Electricity System Operator, Ontario Hydro, the Ontario Power Authority and Toronto Hydro indicated that unless we had generation of 250 megawatts over and above conservation, by 2008 the city would be facing rolling blackouts on a regular basis. We have put that plan in place—250 megawatts will be in place by 2008, 550 megawatts by 2010—so the lights will stay on for the people of Toronto; in addition to that, 250 megawatts in conservation and another 300 megawatts in conservation. We know conservation alone won't do it. We've got a combination of conservation and generation.

At the end of the day, the lights will stay on for the people of Toronto. If you recently saw the headline in the *Globe and Mail*, you'll know why. Our climate is changing. Long, hot summers are coming. We need to be prepared, and we will keep those lights on for the people of Toronto and the people of Ontario.

## ANIMAL PROTECTION

**Mr. Garfield Dunlop (Simcoe North):** My question is again for the Acting Premier. You are aware that we are now holding committee hearings on Bill 56, the Emergency Management Statute Law Amendment Act, 2005.

**Hon. Michael Bryant (Attorney General):** Is that where all your members are?

**Mr. Dunlop:** That's good, from someone who just won a major award.

Acting Premier, last Thursday we listened to deputations. Most of them did not support the bill. A few peo-



ple did support it, but most of the people at the hearings wanted to make a lot of amendments to the legislation. Minister, in particular, the Ontario Society for the Prevention of Cruelty to Animals clearly pointed out that animals have been totally excluded from this legislation and that there should be an emergency plan included on the safety and evacuation of animals. Both Kashechewan and Katrina indicated the need for good emergency plans for animal and animal welfare.

Acting Premier, will you see that the government amendments come forward to include animals in Bill 56?

**Hon. Dwight Duncan (Minister of Finance, Chair of the Management Board of Cabinet):** This government takes committee hearings very seriously, unlike the previous government. Goodness gracious, I had forgotten about the numbers around committee hearings. Why don't we just go over them again? The Tories used time allocation on 102 occasions over eight years. Just to add insult to injury, they did time allocation with no committee hearings at all on 43 major pieces of legislation. Then they did time allocation with no committee and no third reading debate. That is no debate and no committee on 22 major pieces of legislation.

This government is proud of its record of holding hearings. We are holding hearings on virtually every piece of major legislation. We listen carefully to what the people have to say in committee. We amend bills after committee, unlike the previous government.

This government is making this Legislature work on this issue and many others. The days of no debate are gone; they're—

**The Speaker (Hon. Michael A. Brown):** Thank you. Supplementary?

**Mr. Dunlop:** Acting Premier, that's just about the most pathetic answer I've ever heard anybody from that side of the House make. That is pathetic.

Acting Premier, in case of a major emergency, when people need to be evacuated, they quite often refuse to go and leave their pets alone. You are already refusing to act on the Grant Thornton report recommendations on the future of the OSPCA. The OSPCA is receiving only \$119,000 in funding from the province, in spite of increased numbers, in spite of recommendations in the Grant Thornton report, and it now appears that you don't even want to help animals in case of an emergency.

You asked for the Grant Thornton report. It's your report. Minister, what have you got against the welfare of pets? Why do you not appreciate the fine work being done by the OSPCA in Ontario?

**Hon. Mr. Duncan:** That's a real dog of a question. Let me tell you, you cut funding to animal welfare. You refused to deal with the issues.

I'm going to answer the question for Fido over there. Here's what we've done so far. We have invested \$2 million in one-time funding to offset increased financial pressures at the OSPCA. Sound financial management is part of that organization's long-term plan. It is their responsibility.

Our government remains committed to working with the OSPCA, working through long-standing governance

issues. We agreed to fund the governance review. We also agreed to fund an independent audit to assist OSPCA officials in making sound planning decisions.

We're working with the OSPCA on this, on emergency matters. We are having public hearings on an emergency bill. This government's record cannot be questioned by that member, who had eight years to do something and refused to do anything other than cut funding like they did, not only for animals—

**The Speaker:** Thank you. New question.

**Mr. Klees:** On a point of order, Mr. Speaker: I'm sure that most members of this House would take offence at the words used by the Acting Premier directed toward the member for Simcoe. None of us in this place should be subjected to that. We are all honourable members, and I would ask that the member withdraw his comment.

**The Speaker:** If there was something of offence—I did not hear anything myself but if there was—Minister of Finance.

*Interjections.*

**The Speaker:** All right, New question.

#### LONG-TERM CARE

**Ms. Shelley Martel (Nickel Belt):** I have a question to the Minister of Health. You recently received a letter from a resident council of a long-term-care home in my riding that reads, "We, the residents of the Elizabeth Centre Nursing Home in Val Caron, are writing to express our concern over the very small amount of \$5.35 per person per day to cover our daily food...."

"Five dollars and thirty-five cents is grossly inadequate to provide nutritious meals that are appealing and still meet the various diets here at the Elizabeth Centre Nursing Home in Val Caron...."

"This is our home and we would like quality food.... We cannot go out to eat, nor can we prepare our own meals. We are limited in so many ways and" we would like a good meal.

Minister, in the last election your party promised residents like these that you would provide an additional \$6,000 in care for every resident. That would really mean an increase in their food allowance to meet the needs of these residents. Minister, when will your government actually provide the \$6,000 per resident for care that you promised?

**Hon. George Smitherman (Minister of Health and Long-Term Care):** First, the honourable member well knows that our party's campaign platform made no such commitment. She knows that. But part of the \$740 million in additional resources we have invested in the long-term-care sector has been increases for costs associated with the provision of food for residents in our long-term-care homes. This is in addition to the increase, for the first time in a couple of decades, of the comfort allowance for those same residents and the work we did to freeze the co-pay through two years to fulfill an element of our campaign platform promise. So we've made decent progress there.



I would say that our efforts as a government on the issue of food in long-term care do stand in rather positive and stark contrast to the honourable member's party, which did not increase funding for residents in long-term-care homes for food but did for our prisoners.

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**Ms. Martel:** In the last election, the Liberal Party absolutely did promise an additional \$6,000 of care for every resident in every home in this province, and it's certainly true that in the last budget this government had the money to keep that promise. That is why the Ontario Association of Non-Profit Homes and Services for Seniors said on March 23, 2006, "'We're disappointed and, quite frankly, very frustrated,' said Donna Rubin, CEO. 'With the province recording higher-than-anticipated tax revenues, we expected the government to make good on its commitment to revolutionize long-term care.'"

Over the last three budgets, the amount of annual funding going directly to care has only increased by about \$2,000, not \$6,000. Minister, I ask you again, when will you keep the promise your party made in the last election to provide an additional \$6,000 in care for every resident in every home so residents at the Elizabeth Centre can get the nutritious food they deserve and need?

**Hon. Mr. Smitherman:** One more time I say to the honourable member that our party's platform for the last election, which was in a series of booklets, did not include the promise that the honourable member continues to refer to. If she wants to send that over to me, from our party's campaign platform that was distributed to a wide variety of people across the province, that will be fine.

*Interjection.*

**Hon. Mr. Smitherman:** Well, there we go. The honourable member—

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Order. Minister?

**Hon. Mr. Smitherman:** Thank you very much, Mr. Speaker. I was waiting. I was giving the honourable members an opportunity to go through the list of campaign promises that they made and didn't fulfill, but then I realized it's so late in question period that they were probably going to run out of time.

The reality is clear. We've invested \$740 million of additional resources in long-term care. This has resulted in the hire of more 2,300 additional staff who are providing tremendous supports for people on the front line. We've increased the amount of money available for food. Like I said before, when they were in government, they had the opportunity, but they chose to leave residents in long-term care behind while they increased the food allowance for prisoners.

## TRANSPORTATION INFRASTRUCTURE

**Mr. Jim Brownell (Stormont-Dundas-Charlottenburgh):** My question is to the Minister of Transportation. I have been up on my feet in this House a number of

times speaking about our government's significant investment in transportation infrastructure. These investments in roads and public transit are critical to getting the citizens, workers and goods in this province to their destination as quickly and safely as possible.

When it comes to transportation, our government gets it. There are certainly challenges in accommodating the level of growth we are experiencing in this province, particularly in the GTA, but we are tackling these challenges head-on. The official opposition, on the other hand, doesn't seem to get it. I couldn't help but notice that their website, gridlocked.ca, is embarrassingly out of date. This website lists a number of initiatives our government was to follow through on if elected. Minister, to help them update their website, can you explain the great strides we have made toward fulfilling these commitments?

**Hon. Harinder S. Takhar (Minister of Transportation):** I want to thank the member for his question. He is absolutely right that the previous government's record—actually, they have no record of addressing congestion. Their record is that they cut the funding for public transit to zero. Their record is that they downloaded highways to the municipalities. That's their record. They had no plan.

We have put \$1.2 billion into the highway system. We have given another \$1.2 billion under Move Ontario to do special projects in the GTA. This is in addition to the public transit money we have already given. So I am not really looking at congestion—whatever their website is called. I don't look at that, because they didn't have a plan when they were in power, so how can they have a plan now when they're not in power?

## PETITIONS

### ORGAN DONATION

**Mr. Jerry J. Ouellette (Oshawa):** I have a petition to the Legislative Assembly of Ontario.

"Whereas 1,920 Ontarians are currently on a waiting list for an organ transplant; and

"Whereas the number of Ontarians waiting for an organ transplant has virtually doubled since 1994; and

"Whereas hundreds die every year waiting for an organ transplant; and

"Whereas greater public education and awareness will increase the number of people who sign their organ donor cards and increase the availability of organ transplants for Ontarians; and

"Whereas the private member's bill proposed by Oak Ridges MPP Frank Klees will require every resident 16 years of age and older to complete an organ donation question when applying for or renewing a driver's licence or provincial health card, thereby increasing public awareness of the importance of organ donation while

respecting the right of every person to make a personal decision regarding the important issue of organ donation;

"Therefore be it resolved that we, the undersigned, respectfully petition the Legislative Assembly of Ontario to pass Bill 67, the Organ and Tissue Donation Mandatory Declaration Act, 2006."

I affix my name in support.

### RECYCLING

**Ms. Kathleen O. Wynne (Don Valley West):** "To the Legislative Assembly of Ontario:

"Whereas waste from Ontario public schools that could otherwise be recyclable is contributing to increased landfill sites; and

"Whereas diverting waste is critical to sustaining a healthy environment now and in the future; and

"Whereas there is a need to encourage recycling initiatives in all schools; and

"Whereas the private member's bill proposed by the geography club from Georgetown District High School under Making the Grade will require all Ontario school boards to have two recycling bins in each classroom, one for paper and one for drinking containers. As well, cafeterias must have adequate recycling containers outlining items acceptable to be recycled;

"We, the undersigned, petition the Legislative Assembly of Ontario to pass the private member's bill that will amend the Ontario school boards Education Act to divert waste from Ontario high school classrooms and cafeterias."

It's signed by hundreds of residents of Ontario, and I affix my signature.

### EDUCATION FUNDING

**The Acting Speaker (Mr. Ted Arnott):** Petitions? The member for Durham.

**Mr. John O'Toole (Durham):** Thank you, Mr. Speaker, for the opportunity to present a petition on behalf of my constituents in the riding of Durham. It reads as follows:

"Whereas the Ontario government already fully funds 93% of faith-based schools in Ontario, but the remaining 7% receive no funding, solely because they are not Catholic;

"Whereas the United Nations Human Rights Committee ruled in 1999 and again in 2005 that this arrangement is discriminatory and violates basic international human rights law that Ontario formally agreed to uphold;

"Whereas all three parties represented in the Legislature support Catholic separate school funding, as guaranteed by the Constitution of Canada, so that the only fair and viable solution to the discrimination is to extend funding to the small religious minorities that are currently excluded;

"Whereas the Supreme Court of Canada has ruled that Ontario has the constitutional power to provide funding to non-Catholic faith-based schools;

"Whereas Ontario is the only Western democracy that fully funds faith-based schools of one religion to the total exclusion of all other religions, while all other provinces except the Atlantic provinces fund faith-based schools and have thriving public school systems;

"Whereas the cultural survival of the affected minority groups is at stake;

"Whereas faith-based schools produce responsible and productive citizens; and

"Whereas the Multi-Faith Coalition for Equal Funding of Religious Schools in December 2004 submitted to the Minister of Education a detailed proposal for the funding of non-Catholic faith-based schools in a manner that is fair and accountable and protects and enhances the public interest;

"We call on the Ontario Legislature to pass legislation to provide equitable funding in respect of all faith-based schools in Ontario, without religious discrimination and without any reduction in funding for public education, with accountability requirements and standards in place to ensure that the public interest is safeguarded."

This is a fair-minded petition. I'll be signing it in support of my constituents.

### MUNICIPAL RESTRUCTURING

#### RESTRUCTURATION MUNICIPALE

**Ms. Shelley Martel (Nickel Belt):** I have a petition that has been signed by over 8,300 residents of the city of greater Sudbury, and there are more like this to come. I want to thank Councillor Claude Berthiaume of ward 2 and Mr. Boucher of Rayside-Balfour for having presented these petitions to me. It reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas the citizens of the city of Greater Sudbury believe they are overtaxed and underserved and feel like second-class citizens;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Direct the city of Greater Sudbury council to hold a referendum. The purpose of this referendum would be to obtain the citizens' opinion as to whether they prefer to maintain the city's new structure or return to the previous regional municipality structure.

« À l'Assemblée législative de l'Ontario :

« Alors que les citoyens de la ville du Grand Sudbury croient qu'ils payent trop de taxes, voient une diminution dans les services et ressentent que leur voix ne compte pas;

« Nous, les soussignés, pétitionnons l'Assemblée législative de l'Ontario comme suit :

« Exiger que le conseil de la ville du Grand Sudbury tienne un référendum. Le but de ce référendum est de connaître l'opinion des citoyens : savoir s'ils préfèrent conserver la présente structure de la ville ou de retourner à l'ancienne structure de la municipalité régionale. »

I agree with these petitioners. I have affixed my signature to the petition.



1540

### EDUCATION FUNDING

**Mr. Mario G. Racco (Thornhill):** I already tabled this petition today on behalf of Minister Monte Kwinter. I also have a number of petitions that I want to read.

"Whereas the Ontario government already fully funds 93% of faith-based schools in Ontario, but the remaining 7% receive no funding, solely because they are not Catholic;

"Whereas the United Nations Human Rights Committee ruled in 1999 and again in 2005 that this arrangement is discriminatory and violates basic international human rights law that Ontario formally agreed to uphold;

"Whereas all three parties represented in the Legislature support Catholic separate school funding, as guaranteed by the Constitution of Canada, so that the only fair and viable solution to the discrimination is to extend funding to the small religious minorities that are currently excluded...;

"Whereas the Supreme Court of Canada has ruled that Ontario has the constitutional power to provide funding to non-Catholic faith-based schools;

"Whereas all other provinces ... except ... the Atlantic provinces fund faith-based schools and have thriving public school systems;

"Whereas the cultural survival of the affected minority groups is at stake;

"Whereas faith-based schools produce responsible and productive citizens; and

"Whereas the Multi-Faith Coalition for Equal Funding of Religious Schools in December 2004 submitted to the Minister of Education a detailed proposal for the funding of non-Catholic faith-based schools in a manner that is fair and accountable and protects and enhances the public interest;

"We, the undersigned, call on the Ontario Legislature to pass legislation to provide fair and equitable funding to faith-based schools in Ontario, without religious discrimination, with accountability requirements and standards in place to ensure that the public interest is safeguarded."

Those are some of my constituents, and I file on their behalf.

### MACULAR DEGENERATION

**Mr. Jerry J. Ouellette (Oshawa):** I have a petition to the Legislative Assembly of Ontario.

"Whereas the government of Ontario's health insurance plan covers treatments for one form of macular degeneration (wet), and there are other forms of macular degeneration (dry) that are not covered;" as well as Stargardt's,

"Therefore be it resolved that we, the undersigned, respectfully petition the government of Ontario as follows:

"There are thousands of Ontarians who suffer from macular degeneration, resulting in loss of sight if

treatment is not pursued. Treatment costs for this disease are astronomical for most individuals and add a financial burden to their lives. Their only alternative is loss of sight. We believe the government of Ontario should cover treatment for all forms of macular degeneration through the Ontario health insurance program."

I affix my signature in full support.

### LONG-TERM CARE

**Mr. John O'Toole (Durham):** It's a pleasure to present yet another petition from the riding of Durham, and it reads as follows:

"Whereas long-term-care funding levels are too low to enable homes to provide the care and services our aging seniors and parents who are residents of long-term-care homes need, with the respect and dignity that they deserve; and

"Whereas, even with recent funding increases and a dedicated staff who do more than their best, there is still not enough time available to provide the care residents need. For example 10 minutes, and sometimes less, is simply not enough time to assist a resident to get up, dressed, to the bathroom and then to the dining room for breakfast; and

"Whereas these unacceptable care and service levels are now at risk of declining;

"We, the undersigned, who are members of family councils, residents' councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007)."

I'm pleased to support that, in thinking of the seniors who need this respect and dignity, and to present it to Patrick, who is here for his last week as a page.

**Mr. Norm Miller (Parry Sound-Muskoka):** I have a petition from the Fairvern long-term-care home in Huntsville to the Legislative Assembly of Ontario:

"We, the undersigned, who are members of family councils, residents' councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007)."

I support this petition and affix my signature to it.

### PROPERTY TAXATION

**Mr. Jerry J. Ouellette (Oshawa):** "To the Legislative Assembly of Ontario:

"Whereas many owners of seasonal trailers kept at campgrounds have raised their concerns over the impact of property taxes on seasonal trailers and the unfairness

of imposing a new tax on persons who use minimal municipal services;

"Whereas this new tax will discourage business and tourism opportunities in Ontario and will cause many families to give up their vacation trailers altogether;

"Whereas the administration of this tax will require a substantial investment in staff, time and resources across the province of Ontario;

"Whereas some representatives of the recreational vehicle industry, campground proprietors and trailer owners have suggested an alternative sticker or tag system to establish fees for seasonal trailers;

"Therefore we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

"That the Parliament of Ontario immediately abandon the assessment and taxation of recreational trailers used on a seasonal basis in 2004; and that the government of Ontario consult with all stakeholders regarding the development of a fair and reasonable sticker or tag fee that would apply to recreational trailers used on a seasonal basis."

As I am in full support, I will affix my name.

#### SERVICES FOR THE DEVELOPMENTALLY DISABLED

**Mr. Bill Murdoch (Bruce-Grey-Owen Sound):** I have a petition to the Legislative Assembly.

"Whereas, without appropriate support, people who have an intellectual disability are often unable to participate effectively in community life and are deprived of the benefits of society enjoyed by other citizens; and

"Whereas quality supports are dependent on the ability to attract and retain qualified workers; and

"Whereas the salaries of workers who provide community-based supports and services are up to 25% less than salaries paid to those doing the same work in government-operated services and other sectors;

"Therefore we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario address, as a priority, funding to community agencies in the developmental services sector to address critical underfunding of staff salaries and ensure that people who have an intellectual disability continue to receive quality supports and services that they require in order to live meaningful lives within their community."

I've signed this also.

#### ORGAN DONATION

**Mr. Norm Miller (Parry Sound-Muskoka):** I have a petition to support organ donation that reads:

"To the Legislative Assembly of Ontario:

"Whereas 1,920 Ontarians are currently on a waiting list for an organ transplant; and

"Whereas the number of Ontarians waiting for an organ transplant has virtually doubled since 1994; and

"Whereas hundreds die every year waiting for an organ transplant; and

"Whereas greater public education and awareness will increase the number of people who sign their organ donor cards and increase the availability of organ transplants for Ontarians; and

"Whereas the private member's bill proposed by Oak Ridges MPP Frank Klees will require every resident 16 years of age and older to complete an organ donation question when applying for or renewing a driver's licence or provincial health card, thereby increasing public awareness of the importance of organ donation while respecting the right of every person to make a personal decision regarding the important issue of organ donation;

"We, the undersigned, petition the Legislative Assembly of Ontario to pass Bill 67, the Organ and Tissue Donation Mandatory Declaration Act, 2006."

I support this petition.

1550

#### ORDERS OF THE DAY

##### CLEAN WATER ACT, 2006

##### LOI DE 2006 SUR L'EAU SAINE

Resuming the debate adjourned on May 3, 2006, on the motion for second reading of Bill 43, An Act to protect existing and future sources of drinking water and to make complementary and other amendments to other Acts / Projet de loi 43, Loi visant à protéger les sources existantes et futures d'eau potable et à apporter des modifications complémentaires et autres à d'autres lois.

**The Acting Speaker (Mr. Ted Arnott):** Further debate?

**Mrs. Liz Sandals (Guelph-Wellington):** I'm pleased today to be able to rise in support of Bill 43, the Clean Water Act, and speak to it. It's actually quite appropriate that we be debating this act this week, because if listeners think back six years, as we approach the long weekend in May, it was the long weekend in May six years ago when Walkerton experienced such a tremendous crisis, a crisis in the quality of its drinking water that led to the deaths of six innocent people and the illness, and continued health problems in some cases, of thousands. So it's quite appropriate, as we approach the May long weekend, that we're looking at this issue again.

And it isn't just Walkerton. I think people often have short memories, or perhaps limited memories, and think of Walkerton as the only problem. In fact, that particular spring there were problems with wells all over our area of southern Ontario or south central Ontario, however you'd like to label us. I know that certainly in my area outside Guelph there were all sorts of people who had their private wells tested and found that the particular weather conditions that spring led to runoff issues that contaminated a number of private wells.

It isn't just the contamination of wells that are in agricultural areas. We've encountered all sorts of other issues with clean water in Ontario as well. For example,



in Beckwith township we had a leaking landfill site which polluted the drinking water. Kitchener has had a drinking water problem due to contamination of some of their groundwater sources with industrial solvent. I know Stratford had an issue with its waste water when solvents from a car wash got mixed in with the system. In Guelph, as all along the Grand River Conservation Authority watersheds, there have been reports of sewage treatment plants, during high water or high rainfall times, overflowing and spilling into the river. I know that Guelph has been found to be one of the offenders in that respect. Thankfully, the Grand River Conservation Authority, which is very vigilant in these matters, has identified the spill problem, and the Guelph sewage treatment plant has addressed that problem to hopefully reduce the number of spills.

I mention all this to emphasize the issue that Walkerton is not a one-point-in-time, isolated incident. There are incidents all over our areas which require our attention and, in fact, require this legislation. As Mr. Justice O'Connor said in looking at this whole issue in his inquiry, our first line of defence is to protect our water and, as far as is possible, prevent contamination. We can always treat contaminated water, but it is much better that we prevent the contamination in the first place. That is the primary goal of the bill that's before us today, the Clean Water Act. In fact, what the Clean Water Act will require initially is that municipalities all over this province work together in watershed groupings to identify what are the potential and significant risks to groundwater and surface water supplies, to our drinking water, and considerable effort will be going into that risk identification, the mapping of watersheds and the identifying of risks and threats to our drinking water within those watersheds.

In fact, our government has invested quite heavily in that. In my area, the Grand River Conservation Authority is the lead agency in terms of conducting the assessment—the risk assessment, the threat assessment—and they have already been allocated \$1.1 million to carry that out. So our government has been quite committed to ensuring that the source protection authorities have adequate resources to carry out that first step, which is to identify the threats to the drinking water.

Once each source protection authority, normally the local conservation authority, has identified the threat—and I would like to note that the conservation authorities will not be doing that in isolation. As they do this work, they will be working with municipalities, they will be working with stakeholders in their local watershed. Everyone will be working together within the watershed. As the next step, once we have identified the risks, this legislation then calls for us to put in protection plans, so that we have protection of our water supply. But first of all we have to understand what's going on, what are the threats, and then secondarily we will need to develop science-based solutions to address those threats. This process is laid out in the legislation that is before us.

Occasionally, we find that people have concerns because they have heard some really alarmist things

about this legislation. One of the items that will come up sometimes is: How is this going to affect individual property owners? In the first place, for those property owners who don't draw their drinking water from a municipal source, this will actually be helping, because as part of the overall risk assessment the water quality threats for owners of private wells will be identified as well. But in terms of the actual somewhat alarmist reactions that we've heard from time to time, certainly the intent of this legislation is not to do extreme things like putting meters on private wells. It would be just plain silly to be metering private wells belonging to private residents.

There are possibly cases where, when a private landowner is in fact creating the risk, there may be some restrictions on their use of the land in terms of continuing to create that risk. But this would only be in a case where a private landowner's land use is posing a significant risk to their neighbours. In cases where they've already tried to manage that risk, that will be taken into account. In fact, one of the programs that I have been very impressed with—and, Speaker, it just happened that you and I were on a tour the same day, looking at some of the work that the Grand River Conservation Authority has done with farmers in our area in the Grand River watershed. Of course, one of the threats to the watershed can be when herds or manure-handling facilities are too close to the watershed and the manure leaks into the watershed. The Grand River Conservation Authority has been doing a marvellous job of working with farmers along the watershed, both to improve the manure-handling facilities along the watershed and also to work with farmers who have herds that previously had access to wander into the streams and rivers to fence the streams and rivers, to restore the shoreline and make sure we no longer have herds wandering through the rivers, which unfortunately does pollute the drinking water for those downstream of the herd.

The Grand River Conservation Authority is an outstanding example of the way that responsible farmers and people who are concerned about conservation and the quality of our drinking water can all work together, not only to protect the quality of our drinking water but actually, in this case, to improve the quality of our drinking water at source. Ultimately, the purpose of this piece of legislation is to make sure that, as a society, wherever we live in Ontario—I've been talking about the Grand River Conservation Authority, but there are lots of other examples of exemplary work that's going on around the province. Regardless of where we live in Ontario, one of the things that is most important to all of us, to every single citizen of this province, is that we have clean water to drink, and that is exactly what this bill will ultimately ensure. Thank you very much.

1600

**The Acting Speaker:** Questions and comments? The member for Bruce–Grey–Owen Sound.

**Mr. Bill Murdoch (Bruce–Grey–Owen Sound):** Thank you, Mr. Speaker. You took me for a shock there



for a minute; I didn't know it was going to happen so quick. It didn't go 20 minutes. But that's fine.

I just want to say a few things about this bill—a dangerous bill for rural Ontario. What it will do, as I see it, anyway, is shut down rural Ontario. It goes too far now. Hopefully, when it goes to committee, the government of the day will listen to people in rural Ontario and make this a bill we can live with. But the way it is now, some of their key components—one of them says that the local municipalities will be able to find the problems. Well, they already know where the problems are, and that's why we have a Ministry of the Environment. That's why they phone them, and they can look after these problems. Now we're going to make it that the landowner is going to have to fence his well and things like that. This is going to really upset the people with private properties.

It goes on to say, though, that the local municipalities will be able to easily find out the problems. Then it says that they will be able to correct it and enforce it. That leads me to think that this government is not going to send any money out to the local municipalities for them to be able to hire people to look after this. If they put it onto the conservation authorities, they get their money from the local people.

This whole thing is going to cost rural Ontario—the estimates we had about four years ago for something as big as this—around \$7 billion. I know that the province doesn't have that much money, and certainly rural Ontario doesn't have that kind of money. This is what really bothers me; it doesn't spell out who's going to pay for things like this.

So I'm really concerned that this bill may be the death knell of rural Ontario. We've been having a hard enough time now, under this government, surviving in rural Ontario; this will just be one more thing they want to do to us in rural Ontario. I think this government will—I'll finish later on.

**Mr. Michael Prue (Beaches–East York):** I listened with great interest to the member for Guelph–Wellington, as many government members will, stand up and speak in support of the bill, even though the bill may not contain all the provisions that she may logically wish that it had. She was talking in general terms about how the government would be able to react to situations of poor water quality. I would only tell her that, as much as I would like to trust that this government will do the right thing by water quality, there certainly is nothing in the bill that would assuage any of the fears that I might have: fears because the bill is so loose; fears because the bill does not contain direct provisions; fears because we all know that governments change and that, without a very firm foundation contained within the body of the act, it is all too easy for cabinets, it is all too easy for the Lieutenant Governor in Council, it is all too easy for caucuses to ignore what is the necessity of clean water in favour of industrial development or development around homes or new subdivisions. I think that if there is a failing here—if I could direct her to it, maybe she could reply to it in

comment—that is the failure I see in the bill: It leaves far too much to government largesse, it leaves far too much to future cabinet decisions, and not enough is contained to actually provide the kind of framework, the kind of protection that people in Ontario are looking for.

Certainly since we have witnessed what happened in Walkerton and also in a whole slew of other places around Ontario with less disastrous consequences, we know that the law needs to have a firm foundation. It needs to have a framework, it needs to have boundaries over which things cannot be stepped. I would like her to include in her two minutes, if she could, whether or not she is satisfied that there are sufficient guarantees within this bill to do that.

**Mr. Wayne Arthurs (Pickering–Ajax–Uxbridge):** I'm pleased to add a couple of minutes of comments on the speech given by the member from Guelph–Wellington. As other members have and are likely to comment on during the course of the ongoing debate, I noted the impact that Walkerton had and continues to have on our recognition of the need for clean, safe drinking water and the implications when we ignore the systems in the province of Ontario.

I want to speak, if I can, just quickly on my riding in a general way, for those who aren't necessarily in rural Ontario, but also on the knowledge and affinity of the people in my riding to ensure that there is clean water, that it meets the needs of Ontario and, by extension, even though they may not be familiar with well systems as part of their day-to-day activity, their knowledge and desire to ensure that everyone in Ontario has access to clean drinking water; that that's important.

During my time in municipal governance, we dealt with landfill issues in the Brock west landfill site in Pickering, which was a joint Metro and Durham landfill to a large extent, in York region. It sits right on top of Duffins Creek. Duffins is known as probably one of the best cold-water fisheries left along Lake Ontario and certainly in the Golden Horseshoe area. The contamination that resulted from parking a large, significant landfill on top of that creek impacted the water quality and was a constant matter of discussion in our community and throughout Durham region, as part of that process.

I can tell you that people in my riding, although they may for the most part not generally draw their water from the wells or small communal systems, certainly have an affinity for seeing a need for clean drinking water and clean recreational water in the province of Ontario. I think this bill will go a long way to help achieve that.

**Mr. Norm Miller (Parry Sound–Muskoka):** It's my pleasure to add some comments to the speech from the member from Guelph–Wellington, who I know is very concerned about water quality, particularly because she has a cottage on Lake Muskoka, and I'm sure is probably going up to visit her daughter Allison this Victoria Day weekend. In fact, I'm surprised she hasn't left early just to get up there to enjoy—

*Interjection.*

**Mr. Miller:** The whip is saying, "No way." She can't leave until Thursday to head up to Muskoka.



Certainly representing an area like Parry Sound–Muskoka, nothing is more important to the quality of life of the people there than our water quality. In the riding, we have had some instances where water quality on the lakes has been compromised, particularly this year in Three Mile Lake, where blue-green algae formed late last summer, into September. Of course, it's devastating for the whole lake and for the area, so it is something we can't play around with.

The member from Pickering–Ajax–Uxbridge talked about a landfill site being on top of a water source and contaminating it. The exact same thing actually happened in the town of Bracebridge as well, where the Rosewarne Drive landfill site is located. It was built on top of an aquifer that was one of the water sources for the town and which has now been taken out of commission. Water quality is something we can't fool around with.

The member from Bruce–Grey–Owen Sound raised the spectre of the cost, and I have heard the \$7-billion figure thrown about quite a bit. It is important to figure out, as we do improvements, who pays, because it is not fair to saddle the cost on farmers or on small rural municipalities. If it's going to benefit all of Ontario society, then obviously we should all be paying for any changes that make sense and that will protect our water.

1610

**The Acting Speaker:** That concludes the time for questions and comments. I'll return to the member for Guelph–Wellington, who has two minutes to reply.

**Mrs. Sandals:** I would get up there earlier, but the whip won't let me go, so we're just going to have to wait a few days. But it does actually bring up an interesting question here. One of the things that has always surprised me in my home away from home, in Muskoka, is that there isn't a conservation authority. So unlike the Grand River watershed, where there has been a conservation authority which has been looking at issues of watershed mapping and risk assessment for quite some time and which is in the process, happily, of refining their understanding of the watershed, there are other areas of the province where there is not a conservation authority and historically there has not been the same expertise, which is one of the reasons this act requires that, throughout the province, watershed mapping and risk assessment must take place and talks about, where there is no conservation authority, clusters of municipalities working together to do that in lieu of an actual conservation authority. That's also the reason why we have already committed \$51 million towards the process of doing the risk assessment and the mapping.

The members are quite right. We have not come up with a bill yet for what it is going to do to put the plans in place because, as I just explained, we have authorities in areas throughout the province which are at vastly different points in evaluating the degree of threat, the degree of risk and the degree to which they're going to intervene in order to solve the problem. So it would be clearly unreasonable for us to simply pull a figure out of the air and say, "This is the bill." First of all, we need to get the analysis, and that's exactly what this legislation does.

**The Acting Speaker:** Further debate? I recognize the member for Durham.

**Mr. John O'Toole (Durham):** I'm pleased to have an opportunity to put a few comments on the record on Bill 43, a very important bill. A starting point would be that Bill 43 is An Act to protect existing and future sources of drinking water and to make complementary and other amendments to other Acts. That's something that you'd find all members here—indeed, I would infer, Mr. Speaker, as the member from Waterloo–Wellington, that you would be supportive of that conceptually being the right thing to do, as I would, speaking on behalf of my constituents in the riding of Durham. It's important to understand that how we get to where the ideal state would be often is where we disagree, not that the ideal state is not where we all want to arrive.

In our work in looking at this bill, we certainly did listen to constituents. I would say, with your indulgence, I did respond to many of them. For instance, Dorothy McFarland, who lives in the country and operates a rural business, had things to say on this particular bill, as well as families in my riding from the area of Zephyr. I met with a whole host of constituents from that area. Many people were in attendance. Rural businesses were at the meeting as well as Ministry of the Environment people, and they were concerned about having reliable, safe drinking water in the broadest sense.

I was most surprised I think when I met with the Ontario Farm Environmental Coalition. I respect the work they do, because a lot of my riding of Durham is agricultural and many of them have environmental farm plans. In fact, they know that their factory, their wealth generator, if you will, is the very land that they till and the food that they plant that we all enjoy, so they want safe, reliable, sustainable practices on farmland. I would say that a certain quality of water is very important to livestock operations. Whether it's the beef or chicken industry, or for that matter, any livestock industry—horse racing and all the rest of it—they need to have high-quality water to make sure that the health of the animal population is sustained.

There is no discussion, quite honestly, of where we would like to arrive collectively, not to mention the importance to human health of safe, clean drinking water.

When I talked to the Ontario Farm Environmental Coalition, they raised some questions that I need to put on the record. In fact they have been put on the record, probably, by the member from Bruce–Grey–Owen Sound, who is very passionate and often speaks on environmental issues in his riding, which I'm sure later on today he will mention. He's very passionate. He has questioned a couple of ministers here in the last few months quite vociferously, quite aggressively, you might say, on issues affecting water quality and sewage treatment facilities that aren't maybe up to the standard he would like for his riding.

But when I met with the farm coalition I paid particular attention. There are several sections of the bill—in the limited time I have; we're being timed out on debate



on this bill, unfortunately, on such an important topic—I want to put on the record.

Section 48 is permit costs, which many people are saying to me—it's downloading. Every time you implement a regime of tightening regulations and enforcement, it costs money, as it should. In this case, this really needs to be addressed. It's downloading on water quality. Unfortunately the province isn't stepping up to the plate here and saying, "We're going to do this. We're going to take charge and we're going to do it right."

The other section that's quite troubling is section 83, and I ask people to pay particular attention to this. This is the section dealing with expropriation, and hopefully I'll get a chance, again being limited in the amount of time that we can contribute to this debate. Another one is section 89, which is quite troubling. In fact, what it sets up is the government being immune from legal action or litigation. It sets up a wall of immunity from any prosecution or liability going forward. So I caution viewers and those reading Hansard to pay particularly close attention to the evasiveness of section 86, and to section 88 as well.

I'm going to continue, in this brief time that I've been given to speak on this, on what I'd say is a third-party stakeholder that by and large would be unencumbered or uncompromised in their sticking up for the environment. Let's just read that again: The Ontario Farm Environmental Coalition—just think of it: That's the first priority of these people, so they're not politically swayed by slick language. Here's what they say; I'm quoting from their presentation: "The current purpose section, section 1, is too broad. As currently stated, it may be interpreted to mean all water everywhere, instead of focusing on the municipal protection of municipal drinking water supplies." That's very important.

Apparently in the pre-consultation on the Environmental Registry, many of the stakeholders asked them to be very specific, that it was the act to protect the existing and future sources of municipal drinking water versus all water. This is where it has become too broad. This is the statement in which the Ontario Farm Environmental Coalition is stating their concerns, suggestions and solutions, if you will. I commend them for the work they've done, actually, focusing on protecting municipal drinking water sources.

The current purpose statement in Bill 43 is, "The purpose of this act is to protect existing and future sources of drinking water." In fact I did take the time, and it's a fairly technical bill. I wouldn't dismiss it that way. I'll read it:

"General

"Part I of the bill states that the purpose of the bill is to protect existing and future sources of drinking water (see section 1). It also establishes the area of jurisdiction of each conservation authority as a drinking water source protection area. The conservation authorities will act as drinking water source protection authorities in those areas (see section 4). Regulations may be made designating drinking water source protection authorities for

drinking water source protection areas established in other parts of Ontario (see section 5)"—because not all parts of Ontario have existing conservation authorities.

Setting up that people bureaucracy and technology bureaucracy will be downloading. There's no money in this bill to help them set up that infrastructure, human and otherwise.

1620

Another point that's been made quite regularly, in paying attention here—I did serve, a privilege, in representing CLOCA, the Central Lake Ontario Conservation Authority, and am familiar with the Lake Simcoe conservation authority as well as the Kawartha Conservation Authority, which all have sort of tributaries in the source water, headwater, discharge and recharge areas in service in Durham.

This section here, as I said before, is so broad that I'm not sure if we're going to actually get there from here. The Ontario Farm Environmental Coalition is suggesting amendments to section 1; right off the bat, section one didn't pass the test:

"The purpose of this act is to meet the following objectives:

"(a) to provide for the protection of those water sources that are drawn on to provide drinking water to municipalities currently and in the future;

"(b) to complement other provincial statutes that when taken together provide a multiple-barrier approach to protecting Ontario's municipal drinking water;

"(c) to establish a planning mechanism that enables the required level of protection to individual municipal drinking water sources while considering the social, cultural and economic implications of that protection"—there's nothing that doesn't have some risk assessment that needs to be considered;

(d) to provide a scientifically based framework for decision-making around the use and protection of Ontario's municipal water drinking sources."

So they've taken time to review—and I've covered very briefly in the limited time I have—the preamble, if you will, the general provision of the purpose section.

It goes on:

"(e) to provide a source of funding for research, education and awareness...."

This is one of the great deficiencies of this bill: There's no money in it. In fact, you're gutting many of the ministries, except for the key commitments that you've made in health care and education. To digress for a moment, in health care, the waiting lists are getting longer. There are people in my riding who are calling, saying their elective surgeries are being cancelled. On the education file, Bill 78 is on right now. Almost every board in Ontario is in deficit. So it's promising more, getting less, and this is the same thing.

My fears are now raised to a whole new level with Bill 43. They're downloading the very administrative infrastructure—human and physical and technical—to the municipalities. In many cases, and Bruce-Grey-Owen Sound will speak to that, they just don't have the tax



room left to do what this bill is forcing them to do without any sense of consultation.

I'm going to go on, because I was so impressed by this submission by the Ontario Farm Environmental Coalition. This is a stakeholder group that has eminent trust and credibility. This isn't some political spin-doctoring going on; this is the truth which I speak.

Under section 2, the Ontario Farm Environmental Coalition states, "Section 2 of Bill 43 contains several definitions that are intended to clarify the meaning of several words found within the text of the bill." They're intended to clarify. "OFEC has several concerns with this section.

"Specifically, OFEC believes that the words 'threat,' 'hazard,' 'pathway,' 'exposure' and 'risk' need to be" further "defined. These words were used very effectively by the Technical Expert Committee," referred to as TEC, "to describe the process to be used to determine whether or not a land use that poses a threat actually constitutes a risk. TEC described risk as a mathematical function using the following equation...."

It's this technical kind of linkage between highly sensitive words to precipitate some kind of fear or anxiety that I think they're referring to here. It says, "OFEC also believes that the term 'adverse effect' needs to be defined. In essence the primary objective of Bill 43 is to try and prevent the occurrence of an adverse effect on a municipal drinking water source. Landowners or any individual who might potentially contribute a substance that manifests itself as an adverse effect has the right to know just what constitutes an adverse effect in the context of the bill. Having the term 'adverse effect' appear in the definitions of 'drinking water threat' does not serve to define the term."

So, quite clearly the argument here is a bit technical, but they've got generalized terms and, in my view, in legal speak the next step is probably reverse onus. In other words, the person who has been charged with adverse effect is responsible for defining or demonstrating that they do not have a contributing adverse effect. Do you follow me, Mr. Speaker? It's a legal sort of argument. But reverse onus is becoming kind of a definer of this government. They're putting the pressure on the person who has been subject to the issue to prove that the accusation is indeed false. They haven't proven that it is false or not false—in this case here, providing a threat or perceived risk.

Here's what the Farm Environmental Coalition recommends, and this is why I see them as such reasonable persons to deal with. These are the amendments they're recommending. Is the government even listening? I hope Ms. Broten has staff here listening, because this may improve the bill. We all agreed, right from the outset, that we do want safe, clean municipal drinking water; in fact, all drinking water for humans and other things that we share the planet with here. So their amendments here are the appropriate level.

"'Threat' means a chemical, chemical compound or pathogen associated with a land use activity capable of

contaminating a present or future water source to the extent that it would provide degraded water, should the water be used as a municipal drinking water source. Threats can be managed to reduce the associated hazards."

Another amendment: "'Hazard' relates to the probability that a threat will be introduced into a municipal drinking water supply. A low hazard rating indicates that management practices have mitigated the inherent threat, whereas a high hazard rating indicates that such management practices are absent."

They go on to define more clearly these hazards or pathways, exposures, risks or adverse effects, and I'll conclude by saying, "'Adverse effect' means impairment of the quality or quantity of municipal drinking water source" very specifically. But the bill leaves this for the courts and others to interpret. In that vein—and I've got to get the rest here on the bill—the government itself, what's it doing? Again, I don't want to leave the impression that we're not in support of this bill. It's the general nature of it, as stated by the environmental farm coalition, and it's this lack of resources being put in place and the potential reverse onus provision by legal prosecution.

But here's the real slippery slope of it all: What the government has done in section 48—which I said I'd try to get in the discussion here and bring it to the attention of those who realize how important this is. In section 48, "Order for risk management plan," it says, "If the director has approved an assessment report for a source protection area under section 15 or 16 or under an agreement under section 23, in a surface water intake protection zone or wellhead ... area identified in the report, at a location or within an area specified ... a person is engaged in an activity that is prescribed by the regulation and is identified in the report as an activity that is or would be a significant drinking water threat at that location or within the area, the permit official may issue an order requiring the person to prepare and submit to the permit official, within such time as is specified in the order, a risk management plan."

1630

There I am, they come up and say, "You're constituting a threat," and I've got to get some consultants in, some aquifer people, some hydrogeologists and all these experts. Then \$25,000 later, I submit the report, and this person, the permit official, who may be somebody who may not have the authority to even review the report, is going to make a determination if I did what the Farm Environmental Coalition group are suspicious of. It's so general. Here's the poor farmer, here's the poor person living in the country, and there's something suspected that would be an adverse effect. They're guilty before they're proven guilty. That's a problem for me and for my constituents in the riding of Durham, for fair-minded people. The process is slated against the individual. And that's tragic, in what I thought was a democratic province. It saddens me but it alerts me, as a person who participates here.



Another section is section 83. This one here is a classic; it really is. You could cut it out and put it on the wall, because if you're dealing with, in this case, the McGuinty government, here's what they're doing in quite a few of the bills now. I've seen it in not just this particular bill. Some of the planning bills—the greenbelt bill is a perfect example. People are still wrestling with that.

The O'Connor family got back to me and Mrs. Elliott from Whitby–Ajax, and we have finally got the ministry to listen to how there's no science in some of this stuff. These people have spent thousands of dollars, generations working hard with their hands in the soil, to defend themselves through a process that's designed against the individual's right of appeal. There's no mechanism here for appeal or to resolve these disputes, and yet I'm responsible for hiring the hydrogeologist or whatever expert is required to determine if the well is or is not a potential risk and that I contributed to that risk or that somewhere upstream in the whole aquifer system there wasn't somebody else whom they haven't found yet who perpetrated the act.

But 83 gives a lot away here of the secret agenda that was mentioned earlier to Michael Bryant, saying this was the most secretive government. Mr. Klees read the question. It's worth looking at Hansard today, for those viewing. He got the award for being the “behind closed doors” government. Section 83 says, “A municipality or source protection authority may, for the purpose of implementing a source protection plan, acquire by purchase, lease or otherwise, or, subject to the Expropriations Act, without the consent of the owner, enter upon, take and expropriate” the land, and it's in this vein that I'm now at the point of saying I'm not sure I can support the bill as it's currently structured. It's not that I do not support the conceptual goal, because we do. John Tory and our caucus have wrestled with it. What's failed here is the process. There's no recourse for the people of Ontario. I can't support that approach to legislation.

**The Acting Speaker:** Questions and comments?

**Mr. Prue:** I listened, as always, intently to the member from Durham. He often comes up with ideas and thoughts that have never really occurred to me, and of course he's got a couple here. Section 83, on expropriation—I don't know of many government bills that would not allow a government to expropriate. I don't know.

*Interruption.*

**Mr. Prue:** Somebody's phone is ringing here and ought not to be. I think I'd better wait for the Sergeant-at-Arms to grab it and take it away—the things that ought not to be.

Most government bills and most governments will allow for expropriation where it is in the public good. I don't know how—and I listened intently to what he had to say here—this bill is any different from any other bill. Whether you're expropriating a house to make way for a road, whether you're expropriating a property to make way for a public park, whether it has some higher muni-

cipal or provincial purpose, certainly expropriation of land is a well-known government tool. I can think of where even in my own community that has been done to good effect. I look down to the Brick Works in the Don Valley, just off Bayview Avenue, which was slated to be housing but today is a remarkable urban achievement of a park. That was land that was expropriated. So maybe he can explain to me how this is unique to this bill, because I'm not sure that it is.

I also listened intently to a couple of his other points. The lack of financial commitment certainly rang a bell with me. Because in all government bills, particularly where it is going to cost municipalities or other funding agencies to enforce bills if they're downloaded or uploaded—whoever is going to pay, there should be adequate compensation for the person doing the work. I haven't seen that in this bill, and I listened intently to the member from Guelph–Wellington, who said that's going to come later. But I think the bill needs to clarify that purpose in committee hearings so that we all know if there are sufficient funds.

**Hon. Laurel C. Broten (Minister of the Environment):** I listened carefully to the comments advanced by my colleague and I want to say that I do listen to the comments of those who are critical of the way we've moved forward with the Clean Water Act in an effort to ensure that we have the best piece of legislation possible when this legislation is ultimately passed by this House. I very much look forward to debate at committee and I look forward to receiving more comments as we proceed with further debate in this House.

I do want to speak to a couple of the issues that were raised by my friend opposite. I thank him for the fact that he indicates agreement from all members here with respect to the purpose of this legislation, but I want to talk about a couple of things as we move forward, some of the misinformation that exists.

Certainly we have worked closely with those groups such as OFEC in the agriculture sector. We have listened to their comment, and we absolutely acknowledge that agriculture will be an extremely important sector to help in the watershed planning and decide on how to proceed to respond to those significant drinking water threats identified in an assessment report.

As has been indicated, under Bill 43 an individual's land cannot be expropriated without fair compensation from the municipality, in accordance with the Expropriations Act, as we have in many other pieces of legislation. But I also want to comment with respect to compensation for property owners, because they will be at the table and they will have an opportunity to raise their concerns, discuss the impacts of the possible measures, and in most cases make a decision with that community group who are all working together, across the watershed, in order to ensure protection of their own watershed. I know that farmers, who are good stewards of the environment, will work with us and continue to work with us as we move forward.

The last point I want to make is with respect to the funding. This is a significant upload of municipal respon-



sibility to the province: \$67.5 million has been committed for watershed mapping and planning.

I look forward to talking about this further in the days to come.

**Mr. Miller:** I'm pleased to add some comments on Bill 43 to the speech by the member from Durham. I note that he spoke at length about environmental farm plans, and I know that many of the farms in Parry Sound-Muskoka do have environmental farm plans and are extremely responsible.

I wanted to come back briefly, while the Minister of the Environment is here, to the Three Mile Lake situation in Parry Sound-Muskoka, where we had a situation last summer and fall with blue-green algae. I would say that the district of Muskoka has been very active in taking a lead role in looking into this situation. The cottage association has been involved. The MOE has been supportive, and I am pleased to see that this summer the MOE is going to be doing a study of Three Mile Lake to try to determine the source of the contamination and the increased phosphorus, whether it be from a farm in the area or whether it be from septic systems from the cottages surrounding the lake, or from a natural source.

But I ask, seeing as the minister is here: Why is the MOE not more proactive in terms of the septic systems, particularly rural septic systems and particularly around lakes, and more proactive in trying to approve the latest and greatest in terms of phosphorus reduction septic systems so that we have the best septic systems available to the people of Ontario? It seems to me that the MOE does not take a proactive role in terms of approving new septic systems, and this would be of huge benefit to an area like Parry Sound-Muskoka and vast areas around Ontario that have lakes. We could have great reductions in phosphorus if we had the latest technology approved here in the province of Ontario, whereas in the States and other jurisdictions, there are new technologies that are approved that aren't approved here. So I would like to see the ministry take a more proactive approach in terms of those new septic systems.

I certainly hope this bill goes to committee and that the farm community and the voice of rural Ontario are heard when it goes to committee.

**Ms. Shelley Martel (Nickel Belt):** In response to the comments that were made by the member from Durham, I want to focus on two points.

Number one does have to do with funding or financial resources related to the bill, not just in the short term but in the long term, as both municipalities and conservation authorities deal with the requirements that are listed in it.

Secondly, I would just make a point with respect to the Ontario Farm Environmental Coalition. I listened to the comments about concerns for resources and I listened to the minister's comments where she talked about the \$67 million that had been allocated by the ministry for watershed mapping and planning. I think what needs to be clearly on the public record is that the bill is much bigger and about much more than just mapping and planning, although that obviously has to be done in order

to ensure that we are protecting waters at source. But the reality is that the municipalities, or the conservation authorities and municipalities together, are going to have that capacity and the responsibility through the bill to implement, amend, monitor and enforce source protection plans. I think that those are going to come—the plans, especially—with significant costs to them over time. So I think we'd all better recognize that the \$67 million that has been allocated for mapping and planning isn't going to do the trick and isn't going to support what needs to be supported in terms of protection of the water source over the long term.

**1640**

I don't think we've really heard the government say very specifically where the significant amount of money, far above, over and beyond the \$67 million, is going to come from. My colleagues and I are going to make some suggestions about a promise that was made by the McGuinty government on royalties for water taking. Perhaps that could be used as the fund from which money could be drawn to support these initiatives.

Second, I know that the minister has said, and the coalition was up front in saying, that there have been meetings with ministry officials and with the minister both before and after the bill was tabled. But it is clear, from information that all of us got in April, that the concerns remain. I hope that during the course of the public hearings there will be a way to resolve these outstanding concerns from the agricultural community.

**The Acting Speaker:** The member for Durham has two minutes to respond.

**Mr. O'Toole:** I'm sure the member from Beaches-East York will be speaking later on this, and I look forward to that with pleasure. The Minister of the Environment is here and hopefully she's actually listening. The member from Parry Sound-Muskoka technically is going to be speaking on this. The member from Nickel Belt summarized quite quickly. A nice transition here is the \$67 million she mentioned. I was on the committee post-Walkerton and the rest of it; the environment and energy committee was the cabinet committee I was on. As such, this is a huge bill. She's absolutely dead on. This thing is in the billions; it's not some small number.

I think a good place to start it, Minister—you're here, and I mean respectfully that you will listen. The best advice I've heard is to look at the municipal water systems and the infrastructure that those water treatment and inspection and enforcement—get that first, get that right, and I'm sure you'll have convinced a great deal of the public.

Where this cynicism arrives here—I'm going to continue on section 83, "Expropriation"—it's worth looking at—and the mechanism for resolving disputes. But go further to section 88, where "no cause of action arises as a direct or indirect result of" anything that the minister does. If you go on to clause 88(1)(c) of that, "anything done or not done by a source protection committee, source protection authority, municipality or local board, by a minister, ministry, board, commission or agency" is



not considered a cause of action. In other words, they're forgiven all their oversights or wrong orders that may be issued, or charges.

It says here, "No remedy

"(2) No costs, compensation or damages are owing or payable to any person and no remedy, including but not limited to a remedy in contract, restitution, tort or trust, is available to any person in connection with anything referred to in clause (1) (a), (b), (c) or (d)."

So you've expropriated, basically, without any consultation or ability to work with the individual. In fact, you may even have brought a charge to cause them some legal course of action to prove that they aren't guilty of the risk or hazard. It's in that tone that I still can't agree, Minister, that you've got it right, and yet we should have clean—

**The Acting Speaker:** Thank you very much.

Before I call for further debate, I want to acknowledge the presence in the visitors' gallery of a number of the members of the Certified Management Accountants of Ontario. Welcome.

Further debate?

**Mr. Prue:** I'd like to preface my remarks today with a couple of things. The first one is to remember my former colleague, a feisty member of this House from Toronto—Danforth, Marilyn Churley. I think she would want to be here today for this debate because, in the time that I was here, the four years I was here when she was here as well, she must have stood up on this very topic at least a dozen or two dozen times and would constantly be asking people to think about clean water, not just about Walkerton but about the entire environment, the entire ecology in which we live and the necessity of having clean water. She is not named, of course, in this bill, but maybe she should be because it was her actions, concerted over a number of years, that have brought us to this point today. Wherever and as far as we go, it probably won't be enough for her, and maybe not enough for the members of our caucus, but it is, I would acknowledge, at least some movement that has taken place in a very vital way.

The second thing I want to talk about is the water, the water that is here on every one of our desks every day that is brought so brilliantly by the young pages who come. You just have to give a little signal and they'll bring you more water. The water they bring us is tap water. In case anybody who watches TV wonders, it doesn't come out of one of those fancy little bottles that you pay a dollar or two dollars for or whatever you pay for them. It comes right out of the city of Toronto taps, which is considered one of the finest water systems in the world. I often wonder, when I see people lining up to buy bottled water in this country and city, why they are doing so, because the water that comes out of our taps in this city is actually clearer, cleaner and has fewer pollutants in it than bottled water that you would buy in most of the rest of the world, including some of the very large brands. I don't want to give them any real publicity here.

The city of Toronto has taken an unusual step. It's the first city I know of in Ontario, and certainly in Canada, which will no longer allow bottled water to be served at

their functions, or to the members of council—you might have seen them if you watched it on television—because they are very concerned that people will not trust what is our greatest natural resource, perhaps after our people, that we as Canadians have, and that is the clean drinking water that is so abundant and available to all of us.

We have to protect that water; we have to protect the environment in which it exists. We have to do much more than governments have done in the past to protect water. Certainly we all know what happened at Walkerton. We all know the tragedy of that medium-sized Ontario town. It certainly did not do any great things for the reputation of Ontario, for that town, for the region or for Canada when people drinking ordinary, safe, what they thought was pure and clean drinking water fell ill, and some of them died.

We as Ontarians, as Canadians and as legislators bound ourselves, back in those days, to say that we would clean up that mess, that we would make sure that in Ontario there would be an abundant supply of clean drinking water. I want to commend the government in part for this bill because it does two things. It provides a better public process for (1) developing the assessment reports for water, and (2) source water protection. Having said that, I want to be critical but in a positive way, because what the bill has done and sets out to do is ensure that Ontarians, for a considerable period in the future, will have this abundant supply of fresh and source water.

I looked at the bill. My job in opposition is to be somewhat critical. I don't have to say that everything in the bill is right, and even when I ask members to provide all of it, they say that there's more coming. So I don't expect that this bill will capture everything it should, but there are some critical things that need to be talked about, that need to be hashed out and put into the bill in committee. Some of those involve definitions and the key terms.

Most bills and most laws have in their first, second or third section a compendium of definitions so that it's very clear, in technical terms, what we're looking at and so that it's very clear, when you read it, what important words might mean. In law, if it is not defined, it is given the ordinary meaning as it's understood. Very often in technical terms it's not what the ordinary layperson might understand. I have to ask the government to take a look and ask itself what has been left to the regulations and whether it is right that these key terms have been left to them.

The first one that puzzled me was the "ground water recharge area." That has not been defined and has been left to the regulations. There's nothing in this particular bill that defines "ground water recharge area," and that is absolutely vital to areas like the moraine; it's absolutely vital to the source protection waters whence many people, livestock and farms get their water.

1650

I have to ask you why there is no definition and no key term for "highly vulnerable aquifer." Although it is contained in the legislation, we do not know precisely



what that means. I believe the legislation has an obligation to define that and not leave it to some government regulation in the future and certainly not to leave it to the whims of a cabinet, if not this one, then a future one or the one after that, to come up with what they think it means and potentially to loosen the term and make it even more highly vulnerable than a highly vulnerable aquifer already is.

There's no definition and no key term for the phrase "surface water intake." That has to be a major consequence because the water intake to any river from a rivulet or a creek or to any lake from a river or as it flows out potentially through the Great Lakes and to the ocean—that should be defined, because we need to know what "surface water intake" means within the legislation.

Likewise, we need to have defined terms such as "vulnerable area," "significant risk" and "adverse effect." None of these are defined within the body of this legislation and they ought to be. It would not take a great deal of work for the government to take some time, look through the definitions and make them as airtight and as strong as possible, so that when this issue goes before the Lieutenant Governor in Council now or in the future there can be no confusion for future governments and future members of this Legislature; they'd know exactly what that means.

Members from the government party have spoken and often the words—and I'm going to paraphrase them and make them simpler—are, "Trust us. We're going to do this. Trust us." I don't know whether I can do that. It's not because these are not trustworthy individuals on the other side; I'm sure they are. But it is difficult to trust a government with the very many pressures that will come upon it, pressures from all sides, and we've certainly seen pressures on all sides affecting this government and how it deals with things.

We've seen the pressure that came to bear in the last election, when this government ran on a platform to stop housing in the Oak Ridges moraine. We know the pressures that came down on the government, because I believe that they had some kind of intent anyway to do something about the housing on the Oak Ridges moraine, but it was, unfortunately, the first promise that this government was forced to break.

I'm going to be generous. Maybe there was nothing they could do because the laws were already there. The corporations had already put up the money. It was going to cost too much for them to drag it through the courts for years. Maybe there was nothing they could do. But I want to tell you that on the Oak Ridges moraine there were 6,600 houses slated for development. This is on an area with 35 river systems. We know that in the end the government was forced to back down from their commitment. We know that housing is being built there, and we know that the source water protection that you may have had in your mind's eye prior to the last election is no longer there.

We also know the pressures the government has around source water protection and the big pipe. Now the

big pipe may not be known to many people outside of the greater Toronto area, but the big pipe is exactly what it says: It's a giant sewer pipe that's being built to take the stuff away from all of the communities north and west of Toronto. There are alternatives to that big pipe. It is opposed by most environmentalists because it contravenes the Oak Ridges moraine act, but it's being built notwithstanding because of the developmental pressure and the pressure being put upon the municipalities in the area.

We know it would be possible to stop the big pipe, and we also know the devastation it is causing to the communities that live there and to the ecosystem of the moraine and the greater Toronto area. We know that enough water to fill a large swimming pool is being removed every minute between now and 2007 as a result of the big pipe. We know that that is being drained out of the aquifer. We know it's being taken away. On the ground around the big pipe, streams and wells have dried up; 120 wells have dried up to date. That is water that is no longer in the ground, water that has probably been there for millennia. It is gone, and it's a direct result of urban sprawl.

We also know that the water table in the area surrounding the big pipe dropped by from 5 to 55 meters over 65,000 square miles during phase one construction, and that the once vibrant Robinson Creek has been reduced to a trickle. This is the reality of what happens to governments when you try to be on all sides and why I think this bill needs to be strengthened.

We also have problems—and time will not allow me to get into all of them—with the north Leslie development and the impact that's going to have on clean water and the Clean Water Act. We know about site 41 in Napanee, which is going to be a site involving garbage, and the Richmond landfill, also in Napanee. We know about the problems that you are going to encounter with your Clean Water Act if you proceed with Dufferin Aggregate in Milton. All of these things are going to have impacts upon the government. If these proceed, it is going to make it virtually impossible for the Clean Water Act to do what it is supposed to do, and that is, ultimately, to protect the people of this province.

In the year 2003, the Liberal platform said that you were going to find a way to make money from our water, money that could be used beneficially for the people of this province. In that platform, you said you were going to make those people who profited from our Ontario water pay a royalty. This was confined, I think, largely to two groups of people. The first group was those people who bottle water and sell it to those who are thirsty around the world and, as I started off to say, those who do not know that the water that comes from the taps in places like Toronto is actually purer and who go out and pay for something they can have for fractions of a cent, something they will pay dollars and dollars for because it comes in a plastic bottle. I haven't seen anything, nor is there anything in this bill, that talks about the royalty, but there could be and there should be. The other major



group that uses a lot of water, probably more than all the bottled water combined, are the big slurry companies. I know that there is a very large slurry company in the Minister of Agriculture's riding that uses more water than all of the bottling companies combined.

As a government, we need to make sure that royalties are paid on that water, particularly if the water is leaving our ecosystems, if the water is being polluted, if the water needs to be treated. We need to get royalties from that. I would suggest to the minister—my colleague from Nickel Belt has already spoke about this—that \$67 million simply is not going to be sufficient to do everything necessary. If this bill can be strengthened or if a companion bill can be put forward, and if the Liberals could live up to their election promise to actually put a royalty on that type of water, those millions of dollars, if dedicated to clean water, would go a long way to improving this act. It will allow the government and municipalities and conservation authorities to have the money and the wherewithal to do the major restructuring so we can ensure that the water continues to be clean and clear.

We need to look at what else is not in the legislation. I know it is difficult to make legislation retroactive. I have voted against government bills, whether it was the Conservatives or the Liberals in power, when there was an attempt to make a bill retroactive. But here in this bill there is considerable cause for concern to me, and that is that there is a grandfathering of the activities that we know are destructive of our ecology. They are allowed to continue if they exist at the time of the coming into force of this bill. Clearly, if we know that these are activities destructive to our environment, if we know they are causing destruction as we understand it under the Clean Water Act, we have an obligation to make sure that they are not grandfathered, that they are not protected. In fact, we have an obligation to try to shut them down. I ask the minister to think very clearly and carefully about this provision of grandfathering those destructive activities within the body of this bill and to look to change them.

1700

I would also like to talk about the bill I see. The bill has a provision that allows for a conflict to be resolved to the greatest protection of the source water. I agree with that. I think that is a really good thing. If there's a conflict of one set of laws versus another, the set that resolves to protect the water in the best way will be the one that is found to be paramount, the one that will be used.

However, we come back to the whole thorny issue—and I've spoken about it peripherally a couple of times—of the Lieutenant Governor in Council making the regulations and having the discretion. If it is not within the body of the act, if the act itself is not beefed up, then it leaves a huge discretion that even if the laws may be in conflict, if the Lieutenant Governor in Council, i.e. the cabinet, can make detrimental changes, it will all be to no avail. I ask the minister very carefully to look at that.

We have had in this province some good things and some bad things about all of this. Justice Dennis

O'Connor said in his report—I'd like to quote just one small paragraph of what he had to say about watersheds, because I think it's important. He was eloquent. He certainly set us on the right track. "Watersheds are an ecologically practical unit for managing water. This is the level at which impacts to water resources are integrated and individual impacts that might not be significant in and of themselves combine to create cumulative stresses that may become evident...." What he was trying to say there, in a nutshell, is that when we all pollute just a little, it may not seem to be a bad thing for the environment, but when person after person, company after company, farm after farm, city after city continue to degrade the water table, the water quality will inevitably deteriorate, and that all of us have an obligation in our own way to protect that which we can.

We have seen the problems of Walkerton. We have seen the problems that exist today in Attawapiskat and continue to exist in that small town. We have seen, in too many small towns and small cities across this province, boil-water advisories in the last number of years. I know that where my own parents live, near Bancroft, Ontario, for two summers of the last five they have had boil-water advisories in their town.

We know that in the city of Toronto and in the area I represent there are too many degradations to the creeks and rivers flowing into the Don River. The city of Toronto is taking the step now of mapping the entire area to see where the outfalls are. I guess this is just a sad story of amalgamation, because the city had done this before, as had East York and as had North York, but because they all had different systems and different numberings, they have to do it all again. It's pretty sad, because all that money is being wasted to document that which is already known, but it is going ahead notwithstanding.

In the last 20 seconds or so, we have an obligation here to do something that's right. I am asking the government opposite to take my criticisms as constructive ones. We need to do the very best we can to protect our source water, and any and all things to improve this bill would be welcomed.

**The Acting Speaker:** Questions and comments?

**Hon. Ms. Broten:** I want to tell my friend opposite that I do appreciate his comments, and in the time I have, I want to speak to a couple of those issues.

I want to start by speaking to the issue of funding. I know I have said in the Legislature, with respect to the current funding of \$67.5 million—and I think it's also important for those watching and those listening to know that neither local taxpayers nor industry are going to bear the burden of source water protection planning costs, because we have committed to fund that study that will take place. Ministry of the Environment, in partnership with MNR, has approved expenditures amounting to \$120 million between 2004 and 2008 to support that local watershed-based plan development. That will then give us the information that we will need to determine the cost of implementing source water protection plans, because as we move forward, that's going to depend on the findings and the technical studies and the risk assessment



for each source protection planning area and each vulnerable area that's defined.

We know there will be some hardship cases, and that's why we're proposing to develop a comprehensive approach that's going to address those specific situations. I know some very big numbers about the actual costs have been floated out in this Legislature. I want to make it clear that those communities who have undertaken source water protection initiatives in the province have found that their costs have ranged—and this is implementation costs—from approximately 76 cents per month per water user in Waterloo to \$1.62 per month per water user in Oxford county, and that's over a 10-year horizon. We don't know what we will find when we undertake our watershed mapping and planning. We know that that information will then be brought forward and we will have an examination of the steps that need to be undertaken.

The last thing I want to point out is that the Clean Water Act will not act in isolation; it will act with other pieces of legislation: the EPA, the Environmental Assessment Act, the Oak Ridges Moraine Protection Act. All of those will work in concert to protect the water in this province.

**Mrs. Christine Elliott (Whitby-Ajax):** We certainly agree that it's vital to have a safe and reliable source of water in this province and that the protection of our water supply is vital to all of our success; we agree with that in principle. And we're very proud of the work that was done by our party to implement the recommendations of the Walkerton report.

But there are also some issues that need to be addressed to make sure that all Ontarians bear some responsibility for ensuring that we have a safe and reliable source of drinking water in the province and that certain groups, such as farming, stockyards and certain heavy industries, don't have to bear a disproportionate responsibility. As the legislation stands, these groups will need to be assessed for any significant threat to source water, but "significant threat" has not been defined. With respect to farmers, there's a significant concern that some of the practices they've carried on in the family farms for decades and that have been considered normal will now be considered to be serious threats under this proposed legislation. They're also extremely concerned about the costs involved in becoming compliant with this legislation.

So while the goal is very important, we need to make sure that we take a balanced approach as we move forward with this legislation to make sure we achieve the goal of achieving a safe and reliable water supply on the one hand, but that we also recognize that the livelihood of very many people in this province depends on making sure that we have a cost-effective and reasonable solution as well.

I certainly urge the minister to take these factors into consideration as we move forward with this legislation.

**Ms. Martel:** I appreciate the comments made by my colleague from Beaches-East York, and I just want to reiterate or reinforce two points he made.

The first has to do with what is not in the bill, very much with respect to key and significant definitions that will really determine whether the government can meet its objectives in terms of protection of water at source. The situation that exists at present, that terms such as "ground water recharge area," "highly vulnerable aquifer," "surface water intake protection zone," "well-head protection area" or, finally, "vulnerable area" remain undefined in the legislation and are going to be determined in regulation, which of course will be a process behind closed doors that the assembly will have no part of, concerns me greatly.

If we want to be able monitor whether this legislation is going to work and how well it's going to work, then we should have those definitions in the legislation, where they belong, up front for the public to see. Frankly, that should have been done even before this legislation was presented, given the long time it has taken for the bill to get before us today.

The government is doing the same thing in Bill 102, which I spoke to at some length a couple of weeks ago. So much of the definition, so much of the planning and so many of the new processes that the government claims are going to save taxpayers money are left to regulation, left to be determined at some other point whether all of these things in fact will work. Key components of the legislation, like the definitions for important terms, need to be right in the bill.

Secondly, with respect to the funding, because the minister mentioned it again, the fact is that the money that has been allocated to date is money for watershed planning and mapping. The dilemma is that there is going to be a cost and it's going to be a cost in the long term. Part of the way to deal with that would be to set up a trust fund with the royalty money that Premier McGuinty said he was going to charge water takers. If we do that, then we will have something in place for the long term.

**1710**

**Mr. Pat Hoy (Chatham-Kent Essex):** I'm pleased to rise and make a few comments to Bill 43. The member opposite did make some very poignant comments through his presentation this afternoon.

Water is important to all of us; that's a given. But in my area of Chatham-Kent Essex—we have Lake St. Clair, we have Lake Erie, we have the Detroit River, we have the Thames River—some of our farms are actually below lake level. We pump water out, we pump water in and we have countless numbers of wells. So it is an area that takes water very seriously and, I think, will be pleased with this legislation, so that now we can better understand what we have as a resource called water: where it is, what it is and what threat, if any, it might be under. If it's under any threat at all, we will learn about this.

A lot of the decision-making and prior input will come from local communities themselves. I understand from this legislation that some of the action taken might only need be voluntary.

I share with other colleagues that we must ensure that there is support for the long-term viability of our small



towns and our agricultural community. As far as the agricultural community goes, they understand all too well that air, water and soil are important not only to their neighbours but to themselves and their livelihood. They need that clean air, clean soil, clean water, and they want to protect that not only for their own families but for their communities out and around them. So I welcome this legislation and this debate this afternoon, and I look forward to other comments that persons would have on Bill 43.

**The Acting Speaker:** I will return to the member for Beaches—East York. He has two minutes to reply.

**Mr. Prue:** I listened intently to my colleagues the Minister of the Environment and the members from Whitby—Ajax, Nickel Belt and Chatham—Kent Essex.

Two of the members talked about the significance of the definitions in the bill. I did spend some considerable time on that, and I'd just like to go back to that to reinforce the position that I have taken. It is much more advantageous to all members of the Legislature and to the general public if those key elements in the bill are defined up front. If they are defined and they have the scrutiny of the Legislature and of the legislative committee, they are going to have much more impact and will be far better than if they are done, as my colleague suggested, in secret by cabinet and can change from time to time as the bill changes its lifestyle and as it goes along. It's much better to set those things concretely at the beginning so that everybody understands whence the bill flows.

I would like to talk for a second about what the Minister of the Environment had to say, because this too—although I take her at her word that the intent is for the first year or two to find the necessary funds to do the mapping, to mitigate any of the hardships being undertaken by people in the short term, in the longer term we need to do far more than this. And in the short term it troubles me just a little, because we will be without a strengthened law. We will be mostly with the law that allowed Walkerton to happen. We will be with the law that mostly allows the flooding and the problems in towns like Attawapiskat, the boil-water advisories in many of our small towns. We need to act precipitously; we need to act as quickly as possible. I would just suggest that if that is the long-term goal, it's a laudatory one, but it should be made much shorter.

**The Acting Speaker:** Further debate?

**Mr. Dave Levac (Brant):** I appreciate the opportunity to engage in the discussion about Bill 43. Just before I start, though, I want to hold up my glass of water and tell everybody it's half full, not half empty. It's half full; we're on our way. And the other one is full. Because the member from Beach—East York—or Beaches—East York; I think that's what it is, isn't it, member?

**Mr. Prue:** It's still Beaches.

**Mr. Levac:** It's still Beaches. I thought I'd share that with you.

Anyway, the member has brought up some good points that we need to debate and discuss. The salient

point that everyone is making, even the member from Durham: We're talking about the effectiveness of providing us all with safe drinking water so we don't get killed or hurt.

But I want to talk about context. The first part of the context is that the previous government did commit to implement Justice O'Connor's Walkerton inquiry. Everyone has indicated a willingness, in the context of this debate, that the 121 Walkerton inquiry recommendations are going to be fulfilled, including the 22 of those 121 that talk about provisions for source water protection in Ontario. That's the premise and the context of our discussion.

We will establish, and have been up to this point establishing, a collaborative, locally driven, science-based multi-stakeholder process to protect drinking water at its source. Somebody once told me during the debate at the time of the Walkerton crisis—let's call it a crisis, because it was—that it was just a story about two drunk people who caused a problem and that it will go away. I know that all members would agree that there is a premise to be said about that, that it's a fair statement to make, but in isolation only. If you take a look at where we've come from to where we are now—we would still be burying carcasses in the fields and allowing our animals to do whatever they do in the streams. We would still be doing things like that when science has taught us that we really shouldn't be doing that. Why? Because some of our communities across the province choose to take their water from that source. It makes sense for us to make sure, now that we know the science behind it and the discovery of where all this came from and who would be culpable for that, except for the small point that people would say, "It's just two drunk people"—they need to understand that this isn't about trying to lay blame anywhere. This is about a problem we have identified and have all agreed—so far, anyway—that we need to protect our water and need continually to take steps.

Here is one of the things I want to bring up as part of our debate, and that is to ask everybody to engage in the question of how change is implemented and the question of moving into tomorrow because of our advancements in science. We've been taught an awful lot about what our water did before. We couldn't have answers even when people were getting sick because we didn't know. Science comes along and—I'll take a local moment here and say that the inventor of the electron microscope, Dr. James Hillier, is still alive. He comes to Brantford from time to time. He has gone to the United States with tons of patents and has done very well.

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** Is he from Brantford?

**Mr. Levac:** He's from Brantford originally, and he still comes home. He was born and raised in Brantford, went to BCI. He invented the electron microscope. Before that, we couldn't figure out what was going on in a lot of our science. So it's progressing, and we're getting better at it.



That's a long-winded way of saying, let's keep up with the times and understand that science is teaching us what we need to improve upon.

We talked about the context, and now I want to talk about the scope. The scope of this particular act, the proposed Clean Water Act, Bill 43, "is to protect existing and future sources of drinking water" in Ontario. That's very specific in terms of where we're getting our drinking water. Some people have made some comments about bottled water. Some people have made comments about wells. Some people have talked about communal wells in some communities. I think the member from Bruce-Grey-Owen Sound talked about the communal system, that small communities that actually have a communal well system are going to be affected by this. Those are all types of the sources of water that we're coming from.

So the legislation outlines six key areas in the scope of what we're talking about: the terms of reference, the assessment report, the source protection plan, the implementation of source protection plans, new municipal authorities and the Great Lakes. Taking that across the province, it makes an awful lot of sense for us to put this in context.

I want to talk for just a short, brief moment about the hard-working ministry staff that we have out there. We have three or four different ministries that have involvement in water, but the Ministry of the Environment is the key holder here. I want to say thanks very much to all of those hard-working staff members from the ministry who put themselves out, using their background, their science and their ability to communicate as well, because that's part of their job: communicating with municipal and regional officials about what can be done and how it can be done, and they work very well with our farmers as well, explaining and working. I want to say thanks to them. I also want to say thanks to the Grand River Conservation Authority and, by extension, all of the conservation authorities, which work with farmers and cities. They do a very good job, and that speaks highly of the farmers themselves, about learning new ways to protect the land. The member from Essex, Mr. Hoy, told us that they work well that way and they want to take care of it for themselves as well as for their community. You couldn't find better stewards than our farmers, who make a living off the land. There's no way they'd want to do anything that would hurt their ability to work the land. So they're co-operating very well too, and I want to say thanks.

1720

One of the problems I've come across is in the COMRIF grants in my municipality. It's a compliment, but at the same time it's a sad story and I brought it to the minister's attention. They didn't qualify, because there were municipalities in the province that actually had worse water treatment plants. Because Brantford was doing a great job of keeping on top of keeping their water plant modern, up to date, safe and secure and planned for the future, they didn't qualify. They weren't in bad

shape. I'm hoping that we get to the point where we bring everybody up to standard and that stops, so then we can level the playing field, move forward and actually stop rewarding bad behaviour for letting it get into disrepair. That's my hope there.

There are another couple of quick points I want to make. I could probably speak for a couple hours. Maybe I'll look for unanimous consent. No, I'll wait. We'll see what I can get through.

There was a concern brought up about whether or not they can appeal. Yes, you can. For source water protection planning to work, it will need to consider the views of local municipalities, property owners, business, industry, farmers, environmental groups and others. That's why the act provides people with the right to be involved extensively in the development of the plan. Individuals who are impacted by the source protection plan may seek a hearing through the Ministry of the Environment on the aspects of the source protection plan. In other words, they can appeal and look for other answers. Implementation instruments that are being designed in the bill to also allow municipalities to do bylaws, permits and other orders can be appealed by the Municipal Act. That protection is written in.

Whether or not there's going to be funding: Listen, I've gone through some of the paperwork and found this rather interesting. I want to share this with the listeners.

The downstream effects of sewage bypasses in the Grand River: There's an article talking about the difficulties because somebody has bypassed permissions around heavy rain. They simply turn off a valve, then push the water that's nasty and send it down to Brantford. First of all, stop doing that, and second, that's the reason we have to have these abilities, because one affects the other.

When you look at it, when it goes past Brantford, it also goes all the way down to the lake, through the Six Nations. Why might we be having problems at the Six Nations water plant? I'm going to ask the opposition members, friends of the Conservative Party, to get on the phone and get hold of the federal members to make sure they honour that \$10 million that has been promised. There was a \$10-million promise made and, in fairness, I understand that the Conservative government has indicated right now that it thinks it has the \$10 million for the Six Nations water plant. They've been under boil-water for a long time and it's a federal issue. The local member, Mr. Lloyd St. Amand, has been working very hard on making sure that that money comes forward, and I understand that that's the potential. So I'd ask my friends across to get on the phone and put on that extra pressure to make sure they get that water.

Let me explain to you what happened in 2005 and 2006. The protection region of Lake Erie, the total funding for the city of Brant, the city of Brantford, the city of Guelph and the region of Waterloo, through both the Grand River Conservation Authority and the Kettle Creek Conservation Authority, received \$1,111,224 for 2005-06 in terms of planning. I'm thankful that the



government has stepped forward with that. By the way, there's \$162 million in total, if anyone is interested in the chart.

What we need to actually make sure we accomplish in this discussion—I'm going to go back to the half-full glass of water. The member opposite told me that he thinks it's the total demise of rural Ontario as we know it. I think that's a little overstated.

*Interjection.*

**Mr. Levac:** Just a little. It's a challenge. I accept it as a challenge, and I think the minister has acknowledged that she has heard clearly that rural Ontario is asking some very serious questions about that. I remember the very same questions being asked when you were sitting on this side of the House as government. So good for you for repeating the questions the previous government had, that this government has, and to make sure that rural Ontario has a voice and that we don't do something that's going to disadvantage rural Ontario as opposed to helping rural Ontario. I have some rural sections of my riding—Glen Morris, Paris, Burford, Kingsville, Mount Pleasant and St. George—and they use communal wells; some use individual wells and we have individual farmers there. Quite frankly, they're asking me the same questions and I'm giving them the same response that the minister will be informed of their concerns, that the minister has assured me that rural Ontario will be given some time to implement, which we've talked about in the legislation and in the guidelines. I'm absolutely convinced that we are on the right track, and that we are going to be talking about source water protection through the one area that I'm on record as saying time and time again—in my case the Grand River Conservation Authority—that it's a fact that we have world-renowned scientists and people on the Grand River Conservation Authority. They're world-renowned. They are experts extraordinaire.

**Hon. Mr. Bradley:** Top-notch.

**Mr. Levac:** Top-notch. GRCA is second to none when it comes to having an understanding of watershed management.

Watershed management doesn't just include water alone; it's the whole environment as a full piece. Here's the important piece that I want to make sure everybody understands: It isn't just about natural environment, although that's the key focus. It's about making communities inside of that liveable. So I want to compliment the GRCA, its wonderful staff, its volunteers and the board for the work they do. We do have a Grand River watershed caucus and we meet with members of the Tories. I don't think we've got an NDP member on that caucus, but we have a Liberal and Tory caucus that meets and we do take under consideration some of the concerns and issues that each one of those municipalities brings before us. We talk about it, and we talk with the GRCA and we talk with the municipalities, and the mayors get on the phone and share information about what's going on down the river.

I want to end on this challenge: that we include in our discussions, which I know has happened, discussions

with our First Nations. The bill is very explicit. The minister is setting up a consultation process specific to the Grand River, in our case, and talking with Six Nations. First of all, they get it. They understand it. They've got what's called the seven generations. Inside of the seven generations they have to ask each other, whenever they make a decision about what to do in their life, "How does this affect seven generations in front of us?" so that their great-, great-, great-, great-, great-grandchildren will be able to live with the decision they've made. Tonight we're talking about something that we will have to be answerable for generations from now: "Where were you in the debate on source water protection?" I hope that it's done in the spirit of what I've heard tonight from all parties, and that is to ensure that we have safe water. Without water we have nothing else—nothing. The planet can survive without us. We can't survive without the planet—that's the air, the water and the land. Tonight we're talking about one of the three pieces that we need. Six Nations have taught us that for generations. Are we listening? My challenge to us beyond Walkerton, beyond the O'Connor report and beyond the boil-waters is, exactly what are we doing in order to ensure that we have something all of us absolutely need? Fact, straight out: We have to have our water. It's sorry to us if we get this wrong; sorry to us if we don't do enough to ensure that we have safe water for the future.

I appreciate the opportunity to speak. I've got about 50 more minutes' worth of discussion, but I will allow us to do our two minutes so I can hear the member from Bruce-Grey-Owen Sound.

**Hon. Mr. Bradley:** Is this bill going to committee now?

**Mr. Levac:** One of the things we've made a commitment to do is send this to committee so we can hear from others. I'm hoping that we hear from rural Ontario, from farmers. I'm hoping we hear from the municipalities, because there are different ways in which we can take care of our water. I appreciate the opportunity to share my half-full glass.

1730

**The Acting Speaker:** Questions and comments?

**Mrs. Elizabeth Witmer (Kitchener-Waterloo):** I certainly want to thank the member for his very passionate and eloquent remarks. I know he feels very strongly about the need to protect our water, and I don't think anyone would disagree with that need.

We certainly have learned from Walkerton and a few other experiences here in Ontario that we cannot take safe, clean water for granted at any time. We need to ensure that we do protect our water supply, because it is absolutely vital to each and every person in this province.

However, I have to say, having been environment minister in Ontario after Walkerton and after receiving the Walkerton report and moving forward and implementing more than 50 of Justice O'Connor's recommendations through the Safe Drinking Water Act, I am a little disappointed at the foot dragging I have seen on the



part of this government. If we take a look at the number of implemented recommendations after two years of this government being in office, I see that it only stands at somewhere in the neighbourhood of 60, according to the Ministry of the Environment website. I believe that it is absolutely critical that this government focus and move forward much more quickly than they have in the past two years.

This legislation, like much of the legislation we see, contains little in the way of detail. Again, it is passing responsibility to municipalities and also to farmers, who are being asked to cover the costs and do the work of protecting watersheds. It does speak to the delay of implementation of plans for another five years.

**Ms. Martel:** In response to the comments that were made by the member from Brant, I want to focus specifically on his comments about the inclusion or participation of First Nations; he referenced Six Nations in particular. I want to tell you why this is important from my part of the world as well. If you look at what the Nickel District Conservation Authority is working on now—because they have been working since July through a new source water protection project, the SWP project—their hope is that both the watershed and waters to be protected are going to include both the Wahnapiatae River and the Whitefish River. Very specifically, Greater Sudbury's watershed at the moment includes part of the Wahnapiatae River and its tributaries, part of the Whitefish River and its tributaries, and the entire Vermilion River and its tributaries. The SWP project hopes that once provincial legislation is passed, the watershed will include all of the water bodies associated with Wahnapiatae and Whitefish Rivers.

I can tell you that on the Wahnapiatae River there is the Wahnapiatae First Nation, which is in my riding, and on the Whitefish, there is the Whitefish Lake First Nation, which is also in my riding. Both of those have a very long association with those headwaters and with tributaries that flow from them.

In terms of how we ensure that we include First Nations in this very important discussion, I think we need to do two things, and I'm not sure that they're very clear in the legislation or are articulated well in the legislation. First of all, the role of First Nations and their traditional environmental knowledge needs to be recognized in the protection of source waters and the development of source protection plans. Second, First Nations memberships on source protection committees need to be mandatory in watersheds with First Nation traditional lands. That's certainly the case in the area that we are talking about in my riding. There should be mandatory participation not only for the Six Nations membership in the member for Brant's riding but also for those in mine, and I hope there will be amendments made that will make that very clear.

**Mrs. Sandals:** I am pleased to respond to the comments from the member for Brant. I agree with him totally in his comments on the Grand River Conservation Authority and the exemplary work they do and the

leadership they've shown in watershed management in Ontario. It's interesting that this bill, when we're looking at clean water, reflects on the work that the Grand River Conservation Authority does in many ways, because it addresses both the issues of water quantity and the water quality.

While in the member's part of the watershed, in the south end of the watershed, people tend to be reliant on surface water, when you go farther up the watershed, to the more northerly part of the watershed in my neck of the woods, we tend to, when we're looking at drinking water, be much more reliant on groundwater sources.

This bill, when it's looking at requiring authorities and municipalities to look at risks to water supply, requires the authorities to look at both quantity and quality, at surface water and groundwater. One of the things that the Grand River Conservation Authority has been very active in looking at is how that groundwater is regenerated to ensure that we have both quantity and quality of groundwater, and has been mapping not just the surface water flow but also the groundwater flow, which quite frankly aren't necessarily in the same direction given the faults that you may have.

There has been a great deal of attention paid in our part of the province to how that watershed system works, how it's integrated. Hopefully, through this bill, we will see that attention to detail spread throughout the province.

**The Acting Speaker:** We have time for one last question or comment.

**Mr. Murdoch:** I'd like to thank the member from Brant for his passionate speech on this bill. He mentioned that I thought this would be the downfall of rural Ontario. As it sits, it will be.

We talked about how you're going to take it out and how we can all work together on this, which if we do, for a change in this House, then maybe we will come up with something right. We all do agree that we need clean water; there's no disagreement there. It's how we get to it. Unfortunately, looking at this bill, there are a lot of things that seem to be left out or are maybe just not explained properly. Hopefully, when we go out to committee, we will get some of these answers.

As mentioned by a member in the NDP about a lot of regulations, this is the type of bill where we're going to need some of those regulations ahead of time, or people just aren't going to trust the bill. That's the problem. I get to speak on this later, and I'll be able to explain that people out there are really concerned about this coming from big government: "Will they listen to the little person? Will this not cost rural Ontario a whole lot of money?" Those answers aren't in there. We're really concerned in rural Ontario that this could be a big boondoggle, and if all the money is left to rural Ontario to pick up, it's not right.

This water needs protection, but it's protection for everybody, especially people in the urban cities. Unfortunately, this may become one of those rural/urban things again and the people of rural Ontario end up



picking up the bill to protect the water, which a lot of times they do now.

This whole thing too—I wonder what's going to happen to the Ministry of the Environment. Are they going to disappear? I'm glad to see that the ministry is here and listening to us, and when I get a chance to say some more, I will.

**The Acting Speaker:** That concludes the time for questions and comments. I'll return to the member for Brant, who has two minutes to respond.

**Mr. Levac:** I want to thank the members from Kitchener–Waterloo—eloquent as always—and Nickel Belt, Guelph–Wellington and Bruce–Grey–Owen Sound.

To the member from Kitchener–Waterloo, you need to talk to the member from Bruce–Grey–Owen Sound because, when you talk to us about not moving fast enough, it was rural Ontario that asked us to slow down, and we listened to them. You'll have to forgive me if we're not listening to you, member, but we're listening to rural Ontario, who tells us we needed to slow down a little bit on the implementation of all these rules and regulations. We favoured the farmers, who told us, "Whoa, slow down a little bit," so we're going to.

We will make the commitment, as you did, that we're going to implement the inquiry. We're going to implement it, we're going to get it right, and we will do so with the help of everyone. I appreciate that.

The member for Nickel Belt indicated about First Nations, and I will indicate to her that the MOE already has been and is in discussions with First Nations and the federal government right now on a regular basis to discuss how best to involve First Nations communities. They're participating in the in-front conversation, which I just found out. I'm glad you asked that and I hope you take it in the spirit that it's being delivered: that we will be talking to them about source water protection planning and their clean water on-territory, which means there could end up being what we're hoping for at Six Nations: a water treatment plant on top of it, not just simply wells. That's what we're hoping for. The discussions are ongoing.

1740

To the member from Bruce–Grey–Owen Sound, there are two things here. You made a point about what we can do, and you think that the Ministry of the Environment might eventually disappear. It wasn't us that put a 40% cut on the Ministry of the Environment; it was the previous government. They cut their budget by 40%. I remember yelling and screaming about it, and I think you did too. To be fair, I think you mentioned it, because you knew it was going to affect rural Ontario. What I'm going to say to you is that I accept what you said and the premise in which you delivered it, and that is, let's get together and get this right. I really think we can do it, and I hope that we all do it.

**The Acting Speaker:** Further debate?

**Mr. Murdoch:** I'm glad to have a chance to say a few things on this bill. I was wondering if maybe I could get all-party consent to go my 20 minutes, because I see the

time clock now is only at 10 minutes. I don't know what happened there, but I wondered if—

*Interjections.*

**Mr. Murdoch:** Well, now we're down to 10, and I have at least 20 minutes or more. I mean, it would be a lot longer. So I would ask for consent to have 20 minutes, and that would probably work us until 6 o'clock.

**The Acting Speaker:** The member for Bruce–Grey–Owen Sound has asked for unanimous consent of the House to continue on to do a 20-minute speech. Is there consent in the House for him to do that? Agreed? I heard a no. I return to the member for Bruce–Grey–Owen Sound.

*Interjections.*

**Mr. Murdoch:** The government of the day could change the rules for me, and I thought they might like to do that, but they may not want to listen to me for any more than 10 minutes. I was going to try to be nice to them, but what can you do? Because as I said before, and I agree with the member from Brant, it does need all three parties for this bill to ever work. It will never work if you don't get that, because there will always be partisan things happening. This is one of the most important bills we're probably ever going to debate in this House. That's why I wanted at least 20 minutes. Anyway, we'll live with what I have.

I have a concern here. There was a headline in the newspaper in Owen Sound that said, "Clean Water Bill Concern for Grey: Proposed Law a Threat to Privacy Rights of Rural Property Owners, Some Councillors Fear." This comes from Grey county council.

"Farm groups and some rural Ontario municipalities have objections to a provincial clean water bill that provides environmental inspectors with what one mayor describes as 'police state' powers." This is coming right from county council.

"The Ontario Clean Water Act received first reading in early December in the Ontario Legislature. Government officials have indicated they'd like to see it passed into law by summer.

"At a meeting earlier this week, however, members of Grey county council instructed Warden Bob Pringle to organize an information session on the bill for area municipal leaders. Chatsworth Mayor Howard Greig described the proposed law as a threat to the privacy rights of rural property owners and a potential new cost for municipal governments and farmers."

Let's just stop there for a minute. That's one of the problems with the bill: It doesn't say who's going to have to pay for all these concerns. Now, I understand and I applaud the government for the money they've sent out to conservation authorities to be able to do the planning and mapping out. The member from Brant bragged about his conservation authorities. Well, I would like to inform him in the House now that probably the best two conservation authorities come from my riding, and that's the Grey Sauble Conservation Authority and Saugeen Valley Conservation Authority. They have led many, many things at the association for conservation authorities and



probably are two of the best in Ontario—I'm not saying the one from Brant isn't doing a good job—and they appreciated the money that they got to do this planning. But the concern will be, who's going to pay for these inspectors?

Even if it's left to the conservation authorities, if the money doesn't come from the province, then it has to come from the local municipalities. Then that's the local people, that's rural Ontario, again paying for something that needs to be done, but it's protecting large urban Ontario also. If any new laws have to be enacted, then the money must come from the province, because they collect the money from everybody in Ontario, and this is a problem not just in rural Ontario but for all of Ontario. So that's one of the big concerns.

"The bill ... is extremely scary," Greig told council members during their February session in Owen Sound. He objected to the proposed powers for enforcement officers who would be allowed to enter the property of any land owner without a warrant on the suspicion that there is pollution."

Now that's a dangerous thing in this bill. We have property rights and we believe in property rights. It may not be in the Constitution, but I'll tell you, most people in rural Ontario believe that they have some sort of property rights. If this bill, which it looks like it will, will allow—

**Hon. Mr. Bradley:** Sounds like the Lanark Landowners.

**Mr. Murdoch:** Absolutely right. The member from St. Catharines is talking about the landowners' association. While it's called "Lanark," it's all over Ontario now. It's not just in Lanark. This association now represents people from all over Ontario and it's getting bigger. If this government today wants to enact more laws like this one where an inspector can just come on to your property, then you're in trouble. That's the kind of thing you're going to find out when you go out into the field and when you go out with the committee meetings, that we're really concerned about this kind of stuff.

It goes on to say, "This has the potential of shutting down agriculture in southern Ontario," Greig said." So you see, I'm not the only one who's saying this bill is bad the way it sits today.

"Both Greig and Georgian Bluffs Mayor Carl Spencer objected to provincial plans preventing municipal government or regional conservation authorities to enforce a new law using permit fees from property owners."

Another one: "West Grey Mayor Delton Becker, a former chair of the Saugeen Valley Conservation Authority, said the bill may provide municipal governments with powers that 'we really don't really want.'"

"They're having a real problem stepping up to the plate on conservation," Becker said of provincial officials. "The province should fully fund whatever they wanted to do," he said."

This is coming from a former chair of a conservation authority, not only from Delton Becker but from another former chair—myself. I was chair of the Grey Sauble Conservation Authority for five years. That authority, as

I say, does a great job, but if these new laws come in, they're going to be tied to them and there are going to be problems just like Grey county council is saying.

I have some more on this, but one of the other problems I want to get in before my short time is up is: "The preparation of drinking water source protection plans begins with the establishment of a drinking water source protection committee." Who is going to put that committee in charge? I wonder if there's anybody over there on the government side who will tell me, because I don't believe it's in the bill, who that committee is. I think there is some talk about there will have to be a farmer on it, a landowner and a business person, but it's not set in stone, and it doesn't tell us who's going to tell us who these people are.

As you know, in the past, when you get a government in power, they generally appoint their cronies to these positions. If that's what happens this time, if it happens—

**Hon. Mr. Bradley:** That was only the Conservatives doing that.

**Mr. Murdoch:** I hear from across the way my good friend from St. Catharines saying, "Only Conservatives do that." Well, I hate to inform him but, unfortunately, Liberals are as bad or worse. They're doing this.

**Hon. Mr. Bradley:** No.

**Mr. Murdoch:** I know it's hard for him to understand that, but they are.

If this happens, though, and you happen to be the government—I'm not saying the other government didn't do this. This is the problem, it's been done forever. We're not going to necessarily get good people in there. You may get some good Liberals in there; you may not. If you get a committee set up politically, then other people are not going to be able to work with that committee and we're going to be no better off than we are right now.

I'd like somebody to explain that to me maybe later on. Maybe the Minister of the Environment—because I know she's listening—will come and tell me who's going to do this. Maybe they'll allow the municipalities, since they think the municipalities are going to have to pay for a lot of this—maybe they'll give them some say in this. But that is something that has to be sorted out, because if it isn't, then we're just back to the same old, same old, and this bill will not ever be accepted by rural Ontario, for sure.

But it goes on. I was just going to read—there was one person who didn't agree with Grey county and Grey county council, but guess what? She comes from the city of Owen Sound, so not understanding maybe everything that's out there. There was only one councillor on the whole council of Grey who didn't agree that this bill is in trouble—one councillor, and she happened to come from Owen Sound. I'm just saying, I'm not the only one who has concerns with this. We're not the only party that has concerns; the NDP also has concerns. And if this is going to work, as we've talked about with the member from Brant, it's going to have to work with all three parties.

I'm sure you're going to take back who is going to sit on the authority.



The other one that's in there that John O'Toole brought up today, and it really does bother me, is section 83, where "A municipality or source protection authority may, for the purpose of implementing a source protection plan"—we don't know yet who's going to set out the plan—"acquire by purchase, lease or otherwise, or, subject to the Expropriations Act...."

Governments of all stripes here have done too much of that. If we're going to get into that at all, then this plan is not going to work. It's not going to be accepted.

One other thing before my time is up: You can't expect farmers to do all the fencing of the creeks. I know the member for Brant offered that, but somebody's got to pay for that. That should come from everybody in Ontario. Sorry, my time is up.

1750

**The Acting Speaker:** Questions and comments?

**Ms. Martel:** I appreciated the comments that were made by the member from Bruce-Grey-Owen Sound, particularly his last points about financial resources. I'm going to speak to this again, which is what I've been trying to raise as a concern through the course of the afternoon.

In the information we got from the Ontario Farm Environmental Coalition, they said the following with respect to this concern: "Bill 43 is silent on the subject of providing funding assistance to farmers for the adoption of beneficial management systems. This contradicts advice provided by Justice O'Connor in the report on the Walkerton Inquiry: part 2 (2002) in recommendation 16...."

"More generally, there should also be public funding for research, and education and awareness initiatives related to the objectives of the Clean Water Act.

"An excellent model is the stewardship fund that is embedded in Manitoba's Water Protection Act. Interestingly, Manitoba's stewardship fund is in the form of a trust; a strategy consistent with recommendation 123 of the implementation committee report to the Minister of the Environment on watershed based source protection (2004).

"The establishment of such a mechanism will demonstrate a commitment by the government of Ontario to the level of funding necessary to ensure that the Clean Water Act meets its objective of providing a more secure source of drinking water to the various municipalities...."

"A section should be added to Bill 43 that indicates a mechanism whereby the province can provide funding to support the objectives...."

The reason I raise that is because I think that's a legitimate concern, and it's one I'm getting not just from farmers but also from a constituent who already wrote to the Minister of the Environment on November 8—her name is Elin Maki Flora—to outline her support for the bill. I want to indicate that she did do that. She said at the end, "Please note that many of us now believe after the Walkerton tragedy and the continuing boil-water advisories across the province, that we must all pay for the full cost of clean ... drinking water, and that this ... is a right.

Water is our lifeblood, and it is one thing that must not fall victim to budgetary constraints."

So far, the money that has been announced has been for planning and development. That's okay, but we really have to be thinking about what mechanism will be put in place to support this in the long term.

**Hon. Mr. Bradley:** First of all I want to lament the fact that the member for Bruce-Grey-Owen Sound was limited to 10 minutes. Unfortunately, I remember arguing vociferously against the rule changes that his government imposed upon the Ontario Legislature, and now, as they would say in the rural areas, the chickens have come home to roost. That is most unfortunate because there are certain bills and issues that are important to members.

Were I your whip, I would have put you speaking earlier on so you would have had the 20 minutes. I know it's a difficult job being a whip or House leader, so I'm not criticizing the whip. But you have had first-hand experience from Walkerton with a difficult situation.

The Conservative Party has a dilemma so very often on these issues. You get one member up, my good friend Elizabeth Witmer, the member for Kitchener-Waterloo, a very good friend of mine, who said the government wasn't moving quickly enough on these issues. Then I heard my good friend from Bruce-Grey-Owen Sound get up and say that the government is moving too quickly, and we have to go around the province to hear from people. We're not implementing it fast enough, yet we're implementing it too fast.

The same is true on funding. One day your critic, who is my good friend from Erie-Lincoln, says that the government's spending is out of control, and your leader, John Tory, is up, saying, "Spending is out of control and you've got to stop spending." My good friend who is now the federal finance minister used to talk about too much spending, and yet I hear from Conservative members now that we should be spending more from the provincial treasury.

I know it's a dilemma. It's a very difficult dilemma, and it must be really challenging for my friend from Bruce-Grey-Owen Sound. I just wish he had another 10 minutes at the least to elaborate on these issues. I'm sure he will do it at another time.

**Mr. Miller:** It's my pleasure to add some comments to the speech from the member from Bruce-Grey-Owen Sound, who I know was keen to speak to this bill and get his concerns, especially to do with rural municipalities and farmers, on the record. He did a good job of talking about concerns from his area to do with, I think he said "police state," powers envisioned in this bill. I hope this bill doesn't just produce rules and regulations and plans without real results, as government can often do: create great bureaucracies but not necessarily get results.

We heard the member from Brant earlier talking about problems with storm sewers. I would identify that as a real problem in many municipalities. I can tell you that that's the type of problem in an area like Parry Sound-Muskoka that has many lakes and rivers: having storm sewers that drain, under high water conditions or when you get a large downpour, directly into our rivers, some-



thing that is a negative that should be fixed. I hope we deal with real situations and get real improvements versus just making lots of paper and plans.

What about landfills as well? In Bracebridge we had a situation where the landfill contaminated one of the parts of the water supply for the town of Bracebridge. There are jurisdictions in the world, in European countries, where landfill sites are banned. That would be something I would consider. I think we should look seriously at energy from waste as an alternative to landfill sites, generate some power from waste, and protect water, which has to be our most precious resource on this earth.

In my last 10 seconds, I would just like to ask, what about the municipalities that have applied for water system upgrades and have been turned down? I believe it's South River, Sundridge and Nobel in my riding of Parry Sound.

**Mr. Levac:** I could not resist the opportunity to tell people that this glass is more than half full. It's there. It's good water.

The member from Bruce-Grey-Owen Sound reminded me of something that I wanted to talk about, and that was the fencing thing. The stewardship councils, the Grand River Conservation Authority and the municipalities in Brant got together and started to assist the farmers. They started a program where, to move forward, they voluntarily stepped up to the plate and started making the corrections that had been wrong in the first place: keeping the streams clear, making sure that the fecal matter did not enter the streams. It was almost all voluntary.

There will be some hardships. The member has hit on something that we do have to analyze. We do have to get together and figure out and get ourselves wrapped around how we are going to put this into play for everybody. It's nice to say that we've got these councils and it's nice to say that we've got these other opportunities, which are working on some farms, but other farmers can't do it because they simply can't afford it. So the naturalization of the stream beds on the farms is one of the best ways—and it's shown in science to be one of the best ways—to keep our water clean. That's the simple act of keeping them a certain amount of space away from those creeks and streams. Fencing is one of those aspects. Some of that, by the way, is being done voluntarily in my riding; I can assure you of that. That has been discussed. So there has been some funding forwarded by the municipality, because they think it's that important to move that along.

The second component of this is that I did receive a letter from—and maybe you can speak to this—a person who was into water, an aqua guy or whatever; I can't remember what his name was. He was saying that there

isn't a problem with the source water; it's just making sure that all the municipalities have the ability to clean their water before we drink it. He basically said, "Get away from all that." I'm not sure I agree with that, but that's an interesting premise that maybe we should debate as well.

**The Acting Speaker:** That concludes questions and comments. The member for Bruce-Grey-Owen Sound has two minutes to respond.

**Mr. Murdoch:** I'd like to thank the members from Nickel Belt, St. Catharines, Parry Sound-Muskoka and Brant.

The member from Nickel Belt mentioned the costs again. Maybe everybody doesn't have a copy of this, but there's a summary of key amendments recommended by the Ontario Farm Environmental Coalition. It's an excellent piece of literature. They've got "myth or reality." One thing is, "The Clean Water Act will not impose a significant cost on agricultural owners." That's somewhere in the act. "If this is true, why is there so much resistance to establishing a provincially supported agricultural stewardship fund for the few impacted agriculture landowners?" That would hopefully be something that the province could do.

The member from St. Catharines mentioned the whip. It's not the whip's fault; it's my fault. I wasn't prepared. John O'Toole even offered me his 20 minutes, but I hadn't had everything up, so it's my own fault that I only got 10 minutes. It would have been nice if I'd had longer, but I didn't, and that's okay because we will have committees. I will be able to go to some of those committees. Hopefully there will be one in my area. It would be nice to see one maybe in Walkerton. If anybody said that I don't know too much about the clean water impact, Walkerton is in my riding. I went through all the trials and tribulations and all the problems that we had there, so I am pretty well up to date on that. I think it would be nice if one of the committees did meet in that area. Walkerton certainly would be a good place.

The member from Brant brought up the special idea about, "Yes, if we clean the water at a source somewhere maybe that would work." I'm not so sure about that either, but it certainly could be looked at. If you have a letter on that, let's get it out there, and maybe send me a copy too. I'd appreciate it.

**The Acting Speaker:** It being 6 of the clock, this House stands adjourned until later on this evening at 6:45.

*The House adjourned at 1802.*

*Evening meeting reported in volume B.*



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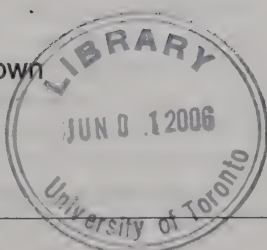
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**Monday 15 May 2006**

**Lundi 15 mai 2006**

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 15 May 2006

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 15 mai 2006

*The House met at 1845.*

## ORDERS OF THE DAY

### RESIDENTIAL TENANCIES ACT, 2006

#### LOI DE 2006 SUR LA LOCATION À USAGE D'HABITATION

Resuming the debate adjourned on May 11, 2006, on the motion for second reading of Bill 109, An Act to revise the law governing residential tenancies / Projet de loi 109, Loi révisant le droit régissant la location à usage d'habitation.

**The Acting Speaker (Mr. Michael Prue):** Further debate?

**Mr. Garfield Dunlop (Simcoe North):** On a point of order, Mr. Speaker: Do we have a quorum?

**The Acting Speaker:** Is there a quorum present?

**The Deputy Clerk (Ms. Deborah Deller):** A quorum is not present, Speaker.

*The Acting Speaker ordered the bells rung.*

**The Deputy Clerk:** A quorum is now present, Speaker.

**The Acting Speaker:** The member for Kitchener-Waterloo.

**Mrs. Elizabeth Witmer (Kitchener-Waterloo):** Thank you very much, Mr. Speaker. I do want to thank the member from Brant for arriving here so that we can get started in order to have further debate and discussion on Bill 109, the Residential Tenancies Act, 2006. It was introduced on May 3, 2006, by the Minister of Municipal Affairs and Housing, John Gerretsen.

I want to compliment, before I begin, the remarks that were made by our critic, Mr. Ernie Hardeman, the member for Oxford, who did provide the leadoff speech on May 9 for our Progressive Conservative caucus. He indicated at that time, after going through all of the documentation, that what we were basically dealing with was a replacement of the Tenant Protection Act that we had put in place in 1998. Of course, the Tenant Protection Act was a very significant piece of legislation which did deal with tenant protection as well, and apparently about 75% of what is in this bill is in fact the Tenant Protection Act. There isn't as much change in this new bill, Bill 109, as certainly the Liberal government had promised people in the last provincial election, and I hope I'll have

an opportunity to come back and speak to that at another time.

This was a bill, however, that the Liberal government had promised to introduce within the first 365 days of their tenure, if they were elected, but I think now we've seen two and a half years of time elapse since then, and finally we now have this act.

Anyway, if you take a look at the commitments that were made during the last provincial election, We have here a bill that, I think in recognition of the fact that certainly vacancy rates are up, rents are down, is really a very weak attempt to probably fulfill an election promise. That's why many of the commitments that were made at that time have been watered down.

### 1850

I think there is a recognition on the part of the government—in fact I think everybody realizes that the market is actually working quite well right now. As I said before, vacancy rates are up, rents are down, and certainly if the government were at this point in time to follow through on the promises they had made and introduce more regulation and other requirements, it probably would severely destroy the system that, as I say, to a large degree seems to be working for people if you take a look at vacancy rates.

There is within this bill a broken promise on behalf of the Liberal government, which promised tenants that they weren't going to allow landlords the right to hike rents on vacant units. There are certainly a number of issues in here that demonstrate that the Liberals have broken the promise they made during the election campaign. I think there's also in here, though, on the flipside, some more rules for landlords regarding rent increases, and there is some additional red tape as well.

But let's take a look at the current rental housing market in the province of Ontario at the present time. It's interesting to note that there are 1.35 million renter households in Ontario, and this represents 32% of all households in the province. Of course, if I think of my own family—I think of my children and my mother—three of the four of us are renters. It speaks to the fact that certainly within our midst we all have people who rent, and obviously their needs need to be taken into consideration. On the other hand, you have landlords. So somehow you always have to find a balance in any legislation that is brought forward.

As I say, Ontario's vacancy rate is currently very high. In 2005, the rate was 3.7%. The projections are that it's going to remain high until about 2009. As well, at the



present time, vacancy rates are highest at the low end of the market in Toronto. The 2005 vacancy rate for the least expensive apartments, the lowest 20% of the housing market, was actually 5.5%. At the same time, average rents are currently static or they're even falling, increasing by only 0.7% in 2005. That's obviously good news for tenants. For the least expensive units, as above, the 2005 average rent was just one dollar above the 2004 average, so I think it shows you how rates are staying very static at the present time.

Allowing market rents on vacant units contributes to investment in renewal of our existing housing stock. Of course that's important to keep in mind, because we need to make sure that, as we look forward, we're also always going to have an adequate supply of rental housing available for people in the province of Ontario.

I just want to take a look at the background of the whole issue related to rent and what has happened as far as rent controls. In 1975, it was actually Bill Davis's Conservative government that introduced rent controls. Rent hikes were initially limited to 8%. New buildings, however, were exempt. Rent controls were scheduled to end almost two years later, on July 31, 1977, but they were actually extended. Then we had a green paper in 1978, which concluded that eliminating rent control might be the best option. There was a suggestion that a tribunal be set up to mediate some landlord-tenant disputes. In 1979, we had new landlord-tenant legislation, and the decision was made that rent control would stay indefinitely. Increases were now limited to 6%, unless landlords could prove to the new Residential Tenancy Commission that they needed more to recover their costs.

Then, eight years later, in 1986, the Residential Rent Regulation Act established a new formula for rent increases. This was based on inflation and on landlords' operating costs. We now saw control being extended to all rental units in the province. Then, in 1988, we have a royal commission, which recommends that we scrap residential rent controls. Then, in 1992, we have a new government, the NDP, and we have new rent control legislation and guidelines based on inflation plus a new 2% allowance for repairs, with any increases above that limited to 3%. Again, there was an exemption on new buildings; at that point it was for five years.

Then, in 1998, we of course had the introduction of the Tenant Protection Act by our government, which actually removed rent control on newly vacant units. For existing tenants, landlords were allowed to raise the rent based on a government-set guideline, plus amounts required to pay for repairs, cost increases, capital expenses, etc. The law made it easier to evict tenants, and rent controls were not applicable to buildings built after 1991.

So that brings us up to 2003, the time of the last provincial election. At that time, the Liberal Party put out their platform. They made many promises, and many of those promises, regrettably, have been broken since then. One I mentioned earlier today: The Premier indicated that he wasn't going to raise people's taxes. He also said he wasn't going to lower them. Certainly, in one of their

very first budgets, in 2004, the Liberal government under Premier McGuinty announced that they were going to force Ontarians to pay a health tax. This health tax that is being collected today amounts to about \$2.5 billion. It is a huge amount of money. Unfortunately, not only did they raise taxes and ask people to pay more for health care, but they delisted three very key services. Of the people who were surveyed, 91% expressed a concern. Again, we see this government breaking a promise, just as they did break a promise when it comes to rent control.

Not only do landlords have to deal with legislation like this, landlords and tenants also have to pay the new health tax. In fact, people might be paying \$100, they might be paying \$500, maybe \$750, maybe even \$900 extra per year. I know a lot of people said to me, when they filed their income tax this year, that they went through the document and they realized that they were paying a lot of money for health services which they were not receiving, because as I say, three key services—chiropractic, optometry and physiotherapy—were delisted.

Let's take a look at the Liberal platform of 2003. What did they say about rent, and affordable housing and protection? They said, "We will provide real protection for tenants and we will invest in affordable housing." They went on to say, "We will introduce real protection for tenants from excessive rent increases," and then, "In our first year in government, we will repeal the ... Tenant Protection Act...." That's what I talked about. They broke the promise. They did not repeal the Tenant Protection Act. They did not, as they promised they would, replace it with an effective tenant protection law in their first year. They said, "Our law will protect tenants by making unfair rent increases illegal." They also said, "We will encourage the construction of more rental units to reduce upward pressure on rents. We will ensure that municipalities with low vacancy rates have the right to protect existing rental housing from unreasonable demolition or conversion to condominiums."

#### 1900

Since that time a few things have happened. Let's take a look at what has happened in Ontario. There are a couple of concerns we have heard from the Ombudsman that I think need to be put on the record. He expressed concern in his 2003-2004 annual report. The Ombudsman found it "unreasonable and improperly discriminatory" that tenants were not able to receive rent reductions when utility costs decrease, although landlords can receive rent increases when utility costs rise. Good point. With regard to tenants being evicted under the Tenant Protection Act's default eviction notice without a hearing or mediation, the Ombudsman wrote that "such evictions may have disproportionate and oppressive consequences for vulnerable tenants." You can see that the Ombudsman in the province of Ontario is looking out for tenants.

Another impact we've seen on rental property in recent years is the Energy Conservation Responsibility Act, 2006, because it establishes in a legislative framework the installation of smart meters in Ontario homes



and small businesses. The government says that they're going to install 800,000 smart meters by 2007, and they want to ensure that smart meters are installed in all homes and small businesses by 2010. The proposed Residential Tenancies Act, 2006, includes provisions to enable installations of smart meters in rental housing while protecting tenants.

Again, we have certainly seen bills, legislation, that have been passed that impact rental properties and rental housing in the province of Ontario. Of course, some of this legislation does impact both landlords and tenants.

Let's go to where we are today. We have the government now introducing this Residential Tenancies Act, 2006. They say that they're doing this to reform Ontario's rental housing system and because they want to promote investment in the rental housing market. As I've said before, there are 1.35 million renter households in Ontario. This represents at least 32% of the population that is going to be impacted by this legislation, plus we have all of the landlords.

It's interesting: I've heard from a few of the groups but I haven't received a lot of feedback on this legislation to date. I have one from a landlord in Waterloo, Raymond Vander Veen, dated May 15, who says, "It has come to my attention that the Ontario government" is making these changes. He is concerned about the changes and also the fact that he believes that the playing field needs to remain level and protect both landlords and tenants. We have another one here from somebody who was concerned before the legislation was passed and again expresses concern about the government getting it right. Then we have another one here from a local landlord. He says that he's concerned about the legislation and that perhaps it won't be balanced. He says that "dramatic reforms are not warranted given that Ontario tenants are enjoying the most favourable rental market they have seen since the early 1970s in terms of price, availability and affordability." These are some of the issues that we have going forward.

I haven't heard a lot from people who rent. In fact, I don't think any of these letters that I have in front of me speak to that. I seem to be getting more letters at the current time from people in my constituency who are landlords and who are concerned about the impact this legislation may have on investment in the province of Ontario, or the impact on Ontario's aging rental stock. Again, people are asking me just to make sure that I get these concerns on the record in order that when this legislation goes to committee, there's an opportunity to ask for some amendments that can indeed be done.

I think it is important, when we take a look at this bill, to keep in mind that we need to ensure that both landlords and tenants are treated fairly. In each and every instance, we need to make sure that we do have adequate rental stock in Ontario and that there remains the opportunity for tenants to have choice. Obviously, at the same time we need to make sure that both landlords and tenants are protected within the legislation.

I think we're at a point where there will be further debate and there will be further discussion on this bill. I'm certainly pleased that I've had an opportunity to speak to this bill despite the fact that the government is probably a couple of years late in delivering on their promise.

**The Acting Speaker:** Questions and comments?

**Ms. Shelley Martel (Nickel Belt):** It won't be a surprise to the member from Kitchener-Waterloo, or to others in the House who were here before, that New Democrats opposed the previous government's so-called Tenant Protection Act. We called it something a little bit different. We opposed it primarily because of the provision in that bill that allowed for vacancy decontrol.

What that meant at the time was that when someone in the province leaves a unit and it becomes available to be rented to someone else, rent controls don't apply to that unit. It means that a landlord can charge whatever he wants for that unit. It allows for the possibility that some landlords will use any number of tactics to try and get their tenants out of the unit in order to be in a position to do just that: have them out, jack up the rents and go from there.

It shouldn't be a surprise to anybody else watching this debate tonight that we also are opposed to the Liberal bill that has come before us because it keeps in place this very same provision, the one that was so obnoxious under the previous Conservative act, and this despite the fact that Dalton McGuinty very clearly said before the last election, and I'm quoting, "We will get rid of vacancy decontrol, which allows unlimited rent increases in a unit when a tenant leaves." That's what happened under the Conservative legislation. That's what's going to happen under the Liberal legislation.

What happened to the promise that Dalton McGuinty made to three million tenants in Ontario before the last election? What has happened to the government that promised to do one thing for tenants before the election and is now doing something quite different; in fact, the same thing that the Tories used to do with those same tenants?

**Mr. Khalil Ramal (London-Fanshawe):** I've been listening to the member from Kitchener-Waterloo for the last 20 minutes. She started in the right direction. I thought she was supporting the bill. She was describing how many different governments came to this place and changed bills and legislation to react to the market. Then she went on and criticized the government because it is moving on this bill and she went against the bill. In the end, she finished her talk and said that the government is almost two and a half years late. So I don't understand where she stands, whether she's supporting the tenant or supporting the landlord.

**1910**

I think it's very important. We in this place got elected to protect all people, regardless of whether they're landlords or tenants, to create some kind of fairness, to create some kind of balance between the tenant and the landlord. When I was listening to her at the beginning, I



was delighted to explain why the bill came about, why we introduced the bill in this place: to react to the marketplace. We understand. When we came to govern Ontario, we introduced this bill to protect and put a cap on rents in order to create stability in the market. Now that the market is saturated and we have a lot of vacancies, I think it's our duty as a government not to be hypocrites. As a matter of fact, we have to react to the marketplace. We have to create fairness, to protect some kind of investment, to protect landlords.

The main thing is to create protection for the most vulnerable elements in this society, which are tenants; to create some kind of board to create that balance. If any problem happens, people can go to the board and the board will decide whether the tenant's right or the landlord's right.

It's all about fairness. This is what the government is all about: creating fairness and protecting the people of Ontario, whether on this side or the other side or the middle side. It doesn't matter which side they are on; it's our responsibility to do it.

**Mr. Ted Arnott (Waterloo-Wellington):** I was glad to hear the comments of the member for Kitchener-Waterloo when she made her presentation with respect to Bill 109 this evening. This member has served in the Legislature with distinction for some 16 years. She represents an urban riding in Kitchener-Waterloo. She has thousands of tenants. I've had the privilege to work with her during that time, and she's always supported laws and policies that would create a system of fairness for landlords and tenants.

I would like to once again return to what the Liberals promised in the election campaign of 2003. Let's recall what they promised: "We will provide real protection for tenants" and invest in affordable housing.

"We will introduce real protection for tenants from excessive rent increases.

"In our first year of government, we will repeal the misnamed Tenant Protection Act and replace it with an effective tenant protection law.

"Our law will protect tenants by making unfair rent increases illegal." We will encourage "the construction of more rental units to reduce upward pressure on rents.

"We will ensure that municipalities with low vacancy rates have the right to protect existing rental housing from unreasonable demolition or conversion to condominiums."

Anyone looking at Bill 109, even a cursory review of it, would conclude that it has not been brought forward in the first year of the Liberal government, and they would conclude that in many respects it does not reflect what the Liberals promised. But of course, it's a constant refrain around this place that the Liberals have broken promises, some 50 promises that we've kept track of since 2003. We know that when we go forward into the next provincial election campaign, when the Liberals make promises to the people of Ontario, no one—literally no one—will believe them. I would suggest it might be good advice for them to make no promises whatsoever,

but I'm not sure they're going to take advice from me. But the fact is, this government is so incredible in terms of its record of broken promises that literally no one in my riding believes them anymore.

**Mr. Peter Tabuns (Toronto-Danforth):** When I was considerably younger, when my hair was much darker than it is now, I had recently arrived in Toronto, and my girlfriend and I at the time saw an advertisement in a paper for a sewing machine that was available in a store in the west end at a phenomenal price. My girlfriend, who was a very good seamstress, thought, "Here's an opportunity to actually start a little operation where I can make clothes, bring in a little income, make clothes for myself and cut my operating costs." So we hopped on the Dundas streetcar and went out to somewhere at Dundas and Ossington to this store that had this fabulously priced little sewing machine.

When we got there, we saw this sewing machine that was extraordinarily cheap—low in cost—but the quality was even worse than the price would suggest it would be. In fact, at that point the shopkeeper immediately turned to another very beautiful machine and said, "You may not like that one, but this one here is available. It's just a little bit more—a hundred bucks more. Why don't you buy it?" That was one of my earlier experiences with bait and switch: You offer one thing; you give another.

What we're debating tonight, vacancy decontrol, is an example of a bait and switch much bigger than a simple sewing machine offered in a broken-down shop in west Toronto. We are looking at a situation where the McGuinty government promised to end vacancy decontrol, a crucial item, something that matters to tens of thousands of people in this province, and didn't deliver. The reality coming out of that lack of delivery will be higher living costs for people on the lower end of the income spectrum in this province. That's the reality of the bill before us.

**The Acting Speaker:** The member from Kitchener-Waterloo has two minutes in which to respond.

**Mrs. Witmer:** I do want to thank the member for London-Fanshawe, the member from Nickel Belt, the member from Waterloo-Wellington and the member from Toronto-Danforth. Since he's a relatively new member, I don't quite have the riding the way it should be. But anyway, I do appreciate all your comments.

I would still maintain that when you bring forward legislation related to tenants and landlords, it's very important that it remain balanced. I have, within my constituency, both landlords and tenants. I have a substantial student population at the two universities and I have a lot of seniors in my community, as well, who are renters. But I would say that, in the case of the Liberal government, they have certainly not kept their promise to the people in the province of Ontario, particularly the tenants. They promised that—and I mentioned this in my remarks. Their platform of 2003 said:

"We will provide real protection for tenants" and invest in affordable housing.

"We will introduce real protection for tenants from excessive rent increases."



Then they said, "In our first year of government, we will repeal the misnamed Tenant Protection Act and replace it with an effective tenant protection law. Our law will protect tenants by making unfair rent increases illegal. We will encourage the construction of more rental units to reduce upward pressure on rents.

"We will ensure that municipalities with low vacancy rates have the right to protect existing rental housing from unreasonable demolition or conversion to condominiums."

I think you can see that the Liberals, in particular when it comes to a new law, have not lived up to their promise.

**The Acting Speaker:** Further debate? The member from Toronto—Danforth.

*Applause.*

**Mr. Tabuns:** I appreciate the unbridled enthusiasm from the government benches on this. Thank you.

There's no question that tenants in Ontario need protection. Tenants, on average, have about half the income of people who own their own homes. These people and, frankly, as a tenant myself over a large part of my life, need to have housing that's affordable, that's stable, that's well-maintained; housing that they can live their lives in, raise their children in, grow old in. There are things in this bill that some people will see as necessary: action to reduce arbitrary evictions—not perfect, but a move forward. There are some elements, like action on arbitrary evictions, in this bill that act as a sugar coating that make the rest of the bill far more palatable.

There are fundamental problems with this bill that I alluded to in my earlier comments that are of tremendous concern to tenants. The most significant, the most problematic, is the lack of action on vacancy decontrol. As other speakers have said before me, in the last election Dalton McGuinty promised to bring real protection to tenants in this province—real protection. "Real protection" means that the affordability of the housing stock is preserved. It means that people who need those rental units have an opportunity to find a place that they can afford, that they can cover with their paycheque. What we have are immigrants, new Canadians in this country; we have seniors; we have working people from a variety of sectors who need this housing to be preserved at a cost that they can afford.

1920

I've gone through many apartment buildings in this city. St. Jamestown: People who have been to St. Jamestown at Wellesley and Parliament, who've gone through those buildings, know that the population of those buildings overwhelmingly is of new Canadians, people who have come to this country to establish themselves, to build a new life, to build this country, who in fact don't have the money to pay outrageously high rents. Those buildings are full of people who need stable, affordable rents, who don't want vacancy decontrol because they want units that they and other family members can move into years from now.

Crescent Town: Mr. Speaker, you're well aware of Crescent Town. You've canvassed through Crescent Town. You know who lives there: people from India, from Bangladesh, from Pakistan, from the Philippines, people establishing their lives who need stable rents in good-quality buildings. At 50 and 70 Cambridge in my riding; Gamble Avenue; Cosburn Avenue in my riding—many people from eastern Europe, people who come here with credentials, with a willingness to work and an energy to work, who need stable housing at a low cost. They know that with vacancy decontrol, as people move out of those units, the protection for those units is lost and landlords are allowed to charge whatever they want. That means that we have overcrowding in those units because you have to pack families in for people to be able to afford those rents.

I've been in St. Jamestown at rush hour, when the lobbies are packed with people waiting to get on the elevators because multiple families live in small units so that people can pay the rent. That is a profound problem. That problem is not going to be addressed—in fact, it's going to be exacerbated—by this rent control law, this Bill 109 that's before us. This will mean that seniors, for instance, will be frightened, scared, to move because they can never be sure that they will find a unit at a comparable price. Vacancy decontrol means that for seniors their ability to control their housing costs, their ability to move around and find a better place if they're unsatisfied with the one they're living in, will be reduced. For newcomers, as I've said, this will mean a reduction in the amount of housing that's available to them.

I wasn't surprised that Mike Harris brought in vacancy decontrol. I thought he was wrong. I thought that he was acting against the interests of people in this province and people in this city, but I wasn't surprised because ideologically it was completely consistent with where he was at. For him, it was a question of, "Let the market decide. Throw it open to the market; things will be fine." But the reality is that things weren't fine. We didn't see an explosion of rental units being built. We've seen a growth in the building of condominium units, not rental units. So for this government, which professed tremendous opposition to the Harris agenda, to essentially carry it forward in this bill, to make sure that vacancy decontrol doesn't die, to make sure that vacancy decontrol gets to roll on for many years to come, is quite extraordinary.

The reason the promise was made in the 2003 election was because tens of thousands of people in this province depend on rental housing; they depend on housing they can afford. They expect the parties they vote for to take action to defend their interests, and the Liberals quite correctly perceived that it was important to say something to those people about how they would act in their interests. And they did not. The vacancy decontrol that they've put forward is going to bump up rents in this city; it's going to bump up rents in this province; it's going to create disadvantage to those people who voted for the Liberal Party because those people at the time thought they were being told the truth.



The minister talks about a long-term solution to the rental problem. He looks at the situation today and says, "We're in good shape." But the reality is that as time goes on, as more tenants move, as units are decontrolled, fewer and fewer units will benefit from the rent control protection that was supposed to be there.

Right now, Minister Gerretsen is relying on two things: low interest rates and a boom in condominium development. And those things have had a good run, a very good run. We've had hundreds, thousands, of units built in Toronto. We've had units built across Ontario. We've had low interest rates that have made it possible for people to buy new houses. Those have been very, very beneficial to people who need housing. But the simple reality is that all the security for tenants in this province is dependent on those two things continuing to roll on. There's no legislative protection. Vacancy decontrol—the Mike Harris legacy—has been preserved, fortified and continued by the McGuinty Liberals. If in fact this government were true to its own ideological roots, to its own conception of society, then it would not have had vacancy decontrol in this legislation. But the Harris legacy is apparently too tempting a target, too tempting a course of action, and thus they've been following it.

I should also note that one of the things Mike Harris did was say that units built in 1991 or later were not going to be controlled by rent control. Did this government, the McGuinty Liberal government, break with the ideological tradition of Mike Harris? Did they say, "Well, Mike Harris's common sense—something we fought against for so long—was useless. We're against it. We're going to get rid of it"? No. The reality is they continued it on. They made sure that the next mistake, the decontrol for buildings built in 1991 or later, continued on.

So we are in a situation where as time passes, as tenants move, as housing ages, decays, has to be replaced, as units are converted to condominiums, we see less and less affordable rental housing made available to tenants.

From 1996 to 2005, the average rent for two-bedroom units increased by 30%; one-bedroom units saw an increase of 32%; inflation was 21%. Clearly, landlords take advantage of the law, as it's written, to go beyond the cost of inflation, the cost of living, and protection is required for tenants, protection is required for the housing that the next generation is going to rely on. They're not getting that protection.

From 1997 to 2003, the number of one-bedroom units that rented for under \$700 shrank by 85%; the number of two-bedroom units renting for less than \$800 shrank by almost 90%. These are big losses. These affordable units are crucial to seniors, to young people, to new Canadians not protected by this government, ignored by this government. In fact, this government carries on the legacy of the government that they so profoundly opposed. I would say that's the biggest problem. These are the biggest problems with the legislation before us.

I want to speak as well to the question of smart meters. In years past, I was a property manager. I managed the Oak Street Housing Co-op in Mr. Smitherman's riding; a fine co-op, Mr. Smitherman, as you know. I managed the Bain Apartments Co-operative in Riverdale. I have to say that people in the Oak Street co-op, those who were on the lowest-income levels, faced profound problems with their heating bills through the winters. They didn't have the resources to heat those homes, and it became a profound difficulty with those families because through the winter they were facing huge and difficult choices about eating, making sure their kids were looked after and keeping their houses warm. They economized in every way. I didn't go into those units finding people wearing T-shirts; people were bundled up pretty heavily. They had their thermostat set above freezing but not enough for them to be comfortable. So as the government moves forward on this particular element, I want them to think it through, because I believe that what you put forward now is going to come back and bite you, and it's going to come back and bite tenants.

#### 1930

The other part of this is that it's not just heating, it's now increasingly cooling. I used to leave at 10 Hogarth, at Broadview Avenue—a fabulous building, good residents, well-maintained, but in midsummer a heat box. You've got a 25-storey slab of concrete absorbing heat all day long from the sun in the east in the morning and in the west in the evening. The units were extremely hot. People who live in Parkdale, some of the buildings down by the expressway, have the same problem, very hot concrete buildings. Many people have resolved it by buying a window-mounted air conditioner, putting it in and cranking it up because there is no mercy otherwise. They are hot.

We're going to find in the next while with this smart meter initiative, as proposed, that MPPs are going to be besieged with calls from people who are either freezing in winter and having to make decisions about food, clothing and heat, or people who are distressed by their inability to keep themselves cool in the summer.

This proposal has some virtue in it because if units are metered, to the extent they can, people will reduce unnecessary energy use. I think that's not a bad idea, but there's a fundamental problem in what's put before us, and it's the problem that people interested in energy efficiency have faced throughout the core of downtown Toronto. If you try to go forward with energy efficiency in many of the downtown office towers, you find that the owners of the buildings pay for the upkeep of the building and don't pay for the energy. The tenants pay for the energy but don't have any interest in capital investment. So the people who have capital but don't pay energy, the owners, have no incentive to invest. The tenants, who pay for the energy but don't really have a long-term concern about the building, don't have an interest in investing. It's a profound problem in the commercial sector.

It's been possible to overcome it in some ways here and there, but it continues to be a problem that bedevils



energy efficiency programs, and that's why we're here. When we split those landlords away from the necessity to cover energy costs, the question that occurs to me is, how will we get them to ever deal with some of their energy problems?

The building I lived in at 10 Hogarth, basically well maintained, had single-pane glass—a whole wall of single-pane glass facing east. The walls were not insulated that I could tell. They were pretty cold to the touch. When the wind blew, if we had a blizzard in winter, it would howl through my living room. You could hear the howling in the hallway. The reality was, if I had been responsible for the cost of heating my unit, I would have had tremendous bills because I couldn't have controlled the leakage of air; I couldn't have controlled the heat transfer at the windows or at the walls. If the landlords have the cost of energy taken off their backs and put on to the tenants, there will be no incentive to deal with poorly insulated, poorly glazed, poorly air-proofed buildings. That's going to be a problem.

I think that there's some utility to putting on individual unit meters if in fact the landlord has made the investment to make those units energy efficient. If they've replaced the glazing, insulated the exterior walls and done the weatherproofing so that you don't have gales blowing through, under those circumstances then, yes, give tenants an opportunity. But I have to ask how much impact tenants are going to have, frankly.

CMHC did an assessment of energy use by tenants and condo owners. Tenants use 30% less energy, on average, than owners of condominiums. It reflects their lower incomes. That's a reality that's already there. There was a paper put out by the Ministry of Energy, the 2005 Regulated Price Plan Electricity Rates FAQ, talking about the transfer of energy costs from landlords to tenants. In their frequently asked questions the province said, "Well, most tenants use much less electricity than the two-tier system of pricing is going to affect. They're always going to be in the lower tier of pricing. We already recognize that they're using less energy."

If you put in time-of-use meters, I have to ask, what appliances are going to make a difference for them? They don't have washers and dryers in their units. Very few of them have dishwashers. They have stoves and they have fridges. Well, the fridge is going to run when it's going to run. The stove runs when they come home. They have to cook supper. It runs in the morning when they have to make breakfast. They're not going to turn on the toaster at five in the morning; they're going to turn it on at 7:30, when they're up.

I have real questions about whether or not time of use is going to have much impact in these buildings. Individual metering? Okay, I can see that, where you have people who are extraordinary users of energy, perhaps it will reduce their use. Perhaps for those who are fairly economical, it will be a benefit. But I think we're talking about very small amounts, because in fact on the electricity front, in apartment buildings most tenants are going to have very little to control, very little that they can

shift until after 8 o'clock, because they don't have those dishwashers and dryers in their units.

This bill needs to be changed. The government needs to amend it to end vacancy decontrol. They need to end their continuation of Mike Harris's legacy. This government needs to impose rent control on buildings built after 1991 and they need to rethink the individual metering sections of the bill. They need to bring in something that helps with energy efficiency but makes sure that tenants are not put at risk, and continue to afford heating and cooling where necessary. This bill at this point doesn't address that, doesn't provide the answers that people need and is going to be a problem for many, many tenants.

**The Acting Speaker:** Questions and comments?

**Hon. Christopher Bentley (Minister of Training, Colleges and Universities):** It's my pleasure to respond to the comments from the member from Toronto—Danforth. From my perspective and from the perspective of the people in my community of London, this is a fair, reasonable and balanced bill. It's good for tenants in the sense that it provides strong protection and strong rent controls where appropriate. It's good for landlords because it preserves the backdrop of what we have now, which is a strong rental construction market. Before I comment further, I wish to pay tribute to the excellent work done, not only by the minister but by his parliamentary assistant, the member from Scarborough Centre.

The fact of the matter is that this bill was after a long period of discussion, consideration and consultation in all parts of the province from all groups. We had strong tenant groups and strong landlord groups from people as far away as Owen Sound, all the way down to Windsor, up to Ottawa and in every part of the province. That's what we needed. The result will ensure that we have a strong rental construction market at the end of the day. We need that.

We have a significant vacancy rate right now. In communities such as mine in London, that alone will be the strongest protection for keeping rate increases down.

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The bill provides additional protection. It provides protection to tenants when, for example, rents have gone up but the energy costs are reduced. The tenants can get that back. It provides protection for landlords who need to get rid of that problem tenant who not only destroys the unit but makes it difficult for the rest of the tenants in the building. It also ensures that landlords can recover their costs when they want to upgrade the building. At the end of the day, that's the best guarantee of the future housing stock.

**Mr. Gerry Martiniuk (Cambridge):** I have the privilege of commenting on the most lucid presentation of the member from Toronto—Danforth regarding this bill, and its non-merit in a sense, because after reviewing the bill, I was surprised at how little it did, after hearing the promises. I remember, during the election, promise after promise, and it all seemed to be built around the Residential Tenancies Act: that things were going to be revolu-



tionized and the life of tenants was going to be—well, they were going to be on Easy Street, because that was the promise. It was going to be free rents throughout—I think in the city of Toronto there was a premium, but everyone else would get very, very low rents, and controls were being brought back in.

I waited with bated breath. I remember the first year when this government was first elected. I waited for a whole year, and I expected them to come out and really, really do the thing. And I thought, “Oh, it is a complicated matter. I can see why they’re really thinking a long time about it. They really want to think about it and get it right because it was a lot of promises and there are a lot of people who are economically disadvantaged who are waiting for fulfillment of those promises and to make their life a lot easier.”

Unfortunately, I don’t have enough time, but the second year I waited too. Here we are in the third year and nothing’s happened. It’s not a matter of liking or disliking; this bill, in all its pages, doesn’t do a lot.

**Ms. Martel:** The member for Toronto–Danforth did comment on this point and I’m sure he’s going to want to comment on it again: the fact of how little difference there really is between the Conservatives’ Tenant Protection Act and Bill 109 on the important issue of rent decontrol.

In fact, there’s no difference between the Conservative legislation and Bill 109 on the important issue of rent decontrol. That is why we opposed the Conservative legislation when it was brought forward and that is why we are going to oppose this legislation: because it was wrong to have it in the Conservative legislation and it’s just as wrong to have vacancy decontrol now in Bill 109. And not only is it wrong but it’s an absolute contradiction of what the Premier promised before the last election, isn’t it?

This is what the Premier said in the last election: “We will provide real protection for tenants.” That’s impossible to do when you continue to have vacancy decontrol on units built after 1991. The Premier also said, “We will get rid of vacancy decontrol, which allows unlimited rent increases on a unit when a tenant leaves.” That’s what the Liberals promised in the last election.

Here we have a bill where vacancy decontrol is alive and well yet again and some more, so that tenants are going to continue to get whacked by some landlords who think it’s far more important to get them out of the unit and jack up the rent than they do to actually provide affordable housing to those tenants. So on this important issue of vacancy decontrol, no difference between the Liberals and the Conservatives.

**Mr. Ramal:** First, before I start to comment on the speech from the member for Toronto–Danforth, I think I will listen to the Conservatives; I will listen to the NDP. The Conservatives don’t like it for some reason because they are protecting the landlords. The NDP don’t like it because they think we’re not going to protect the tenants. We support this bill because this bill will create a balance between the landlords and the tenants. We want to make some kind of balance because, in order to have a rental housing market, you have to have both: You have to have

the housing and you have to have the tenants for those houses. That’s why our approach is a balanced approach between both sides—the NDP and the Conservatives.

The Premier said that we’re going to protect the tenants, and also the member from Toronto–Danforth wants to protect the tenants. This bill creates a great protection for the tenants by creating some kind of mechanism with a board constructed from the tenants and landlords to look after disputes between them and to create some kinds of solutions.

I want to also commend the PA of the Minister of Municipal Affairs, the member from Scarborough Centre, who travelled the province of Ontario and collected a lot of information, listened to the landlords, listened to the tenants and came up with a great solution as a result: this bill.

I think we are taking the right approach and the right direction to create a fair market for both sides. That’s why we were elected in 2003: to be fair, to respond to the marketplace and to be fair for both sides. Indeed, it’s our duty, our responsibility, to create that balance; it’s the government’s job. That’s why I’m supporting this bill.

**The Acting Speaker:** The member from Toronto–Danforth has two minutes in which to respond.

**Mr. Tabuns:** I appreciate having the opportunity. The Minister of Training, Colleges and Universities and the member from London–Fanshawe have both made very interesting speeches, and I was very appreciative of their comments. I think, in fact, that reflects their analysis. Their analysis is, “We need this balance between tenants and landlords, and what we brought forward is exactly that balance.”

The question that arises is: Why didn’t you make that argument during the last election? The member for Nickel Belt quoted your leader, and your leader was pretty straightforward, I thought; laid it on the line. I can tell you, going through apartment buildings, going through Crescent Town, going through 10 Hogarth, going through St. James Town—take your pick of high-rise apartment complexes in this city; the position that was put forward by Dalton McGuinty in the last election was a winning position. Not the position we have today; not the position that’s being put forward by the two members who’ve commented on my earlier remarks; what they’re putting forward is a position that will be very tough to put forward in large apartment buildings in this city. If you go through those buildings, you will find that tenants don’t want vacancy decontrol. You got votes because they understood that you were going to stabilize rents, give them opportunities, make sure that that housing, over the long run, was conserved for them so they would have greater ability to move, greater certainty, less incentive for landlords to move them out. They didn’t think they were going to have to rely on the condo market and low interest rates to protect them; they thought this government would protect them. Well, it isn’t.

**The Acting Speaker:** Further debate?

**Mr. Ramal:** Thank you for giving me the chance and more time to speak in support of the bill and explain to



the people of Ontario about the importance of passing the bill.

I guess the people of Ontario have been listening for a long time, since a quarter to 7, to many speakers from all sides of the House talking about many different directions, supporting different directions, supporting different ideas; why they're supporting, why they are against.

People talk about protecting the tenants. Of course, the majority of tenants are students and seniors, and the member from Toronto-Danforth mentioned our newcomers, workers and limited-income people in Ontario. They have no ability to buy huge homes, big apartments or apartments, especially in Toronto, so they go to places they can rent. Since we were elected, we've created some kind of control of rent. We thought it was important to tie it to a percentage of inflation. We thought it was very important to the people of Ontario, so that people who are on a limited income are protected and have the ability to rent a place.

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After a while, the marketplace was saturated. There were lots of vacancies in different places across Ontario. We sensed different problems: places not being kept up to code or not being fixed properly and many tenants being evicted for many different reasons. They asked the landlord to fix their carpet, to change the fridge or the stove, or to fix the window—many different reasons. That's why this bill came about: to enforce the law in this province and to create a balance between the tenant and the landlord.

Last week I mentioned a story about a lady from London. She called our office in London, and she asked our office to support her. She lived in an apartment with an old carpet. That carpet was dirty. It was attracting many insects and creating many different problems for her. She asked the landlord, and the landlord said no, "If you don't like it, you have to leave."

This bill will protect those tenants, especially if they're asking for changes, major changes, and if the health or rental inspector came to a place, inspected it, and it wasn't up to code, if the window was not properly installed or the fridge was not working well, if the rail on the stairs was not strong enough to protect the people using it—whatever. So I guess the landlord is forced by the law to fix all this stuff; otherwise, they will be penalized. Also, the tenant in this matter will be protected. The protections in this bill say it clearly. The rent will increase, because the rent will be tied with marketplace inflation. I think it's a great protection.

On the other side, we also protect the investment of many people who invest in many different beautiful buildings in Ontario, whether in Toronto, London, Windsor—many different places. Many people like to invest in that market. In order to invest in that market, sometimes they require some kind of extra percentage increase in the rent in order to protect their security, to have security in place in order to create a good lounge and a clean lobby, to create a good facility for the tenant, to clean the windows on a regular basis or to change the fridges to have

modern fridges, or to paint the hallways, and many different things.

I think it's our duty as a government—it's the duty of any government—to react to the marketplace, study it very carefully, and then come up with legislation to create some kind of attraction in the marketplace. This bill will create some kind of attraction, create some kind of stability and create some kind of happiness between the two sides.

Our own statistics, after we created rental control, show that we have enough apartments and units until 2009. The vacancy rate will remain a little high. In economic studies, if you have a lot of vacancies, it means rent will be controlled automatically; it depends on supply and demand. I think the environment is very good for both sides. It depends on supply and demand. Our supply is huge—it will give us until 2009—and the demand is very low, which means the rent is going to be low. So depending on this equation, we have some kind of stability; automatic and natural stability in the marketplace.

This bill also introduces and maintains stability by creating a board. The board will be composed of tenants and landlords. If there is a dispute for any reason between the landlord and the tenant, which happens on a regular basis, that board will meet, listen to both sides and make a decision.

I think it's a great approach. I think this bill will create stability for a longer time. I think this bill will create some kind of understanding among all the people of Ontario and also maintain the ability for many investors to keep investing to renovate many falling down buildings, many areas to be cleaned, to be up to code, to be fit in the neighbourhood.

If you come and penalize the landlord—I'm not here to advocate on behalf of the landlords. I know landlords have a lot of money, have a lot of ability to make money. But in the end, if you don't give them the chance to make a profit, they'll move from that sector to other sectors. Then we'll have a lot of downtown core going down. We'll have a lot of buildings not maintained properly. We'll have a lot of places just looking ugly.

So in order to maintain the beauty of our neighbourhoods, in order to maintain the ability to have strong maintenance so places look good and fit with the neighbourhoods, we have to give those investors some profit in order to maintain what they have, to update it to fit the code, and also attract more tenants.

Now, because of our measures in the past, we have a lot of vacancies. We see now in many places like London, Toronto or many different small cities in Ontario that many landlords offer two or three months free in order to rent from them at a reasonable price. I think it's a natural balance because, as a result of high vacancy, the landlords want to rent their places, so they offer all these good things for the tenants. So I think it's good for the tenant too. The tenant now has a chance to choose between many different apartments in different locations, and he also can choose which rent level he can afford.



I listened to many speakers from the Conservative Party and also from the NDP. The Conservative Party tends to protect the landlord in this place and thinks the landlord is abused by this bill and not given enough of a chance to raise whatever rent they want; they don't want to be tied to inflation. Also, the NDP thinks this bill is going to create some kind of inability for many different people in Ontario to rent places because the market would be high, would be expensive. But this bill assures the people of Ontario—both sides, whether the tenant or the landlord—that there will be a balanced approach between them, there will be rent increases tied to inflation, which I think is normal, because everything is tied to inflation, and also that the landlord will be protected. If they have a bad tenant who is not going to pay the rent, is going to abuse the property, is not going to respect the property, they have a right also to go to that board and deal with him in a professional manner. This is what the bill is all about. This bill will create that ability for both sides to get dialogue among themselves and also to have stability in this community.

In the end, whatever we do in this place, it's all about creating stability in many different communities by creating places for many different people in this province, to have the ability to go rent a place, not for a week or a month or maybe a year, but maybe for a lifetime if they love it and they like it and they can afford the rent and then, the main thing, that the landlord will maintain the house and keep it up to date and give them the luxury of living with a good environment.

It's about putting two pieces together, because this market cannot live without landlords and cannot live without tenants. Landlords require tenants and tenants require landlords. They both have to work together, and it is the government's job to make that balance and make it happen by creating legislation to protect both, and to protect all the communities.

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**The Acting Speaker:** Questions and comments?

**Mr. Dunlop:** I'll be having an opportunity in a few minutes to make a few comments of my own.

It's always interesting to hear the comments from the members opposite and how they feel this is a piece of legislation will be the be-all and end-all to the Tenant Protection Act or to solve any problems between landlords and tenants. As you know, we've been trying to fix this problem for 31 years now: different governments, different pieces of legislation, different regulations.

I think the problem is we have to realize that one of the key problems we have is we don't need landlord and tenant protection for good landlords and good tenants. The problem is when we have people that are abusing the system either way, whether it be on the landlord side or on the tenant side. That's why we always come up with sort of a stalemate when it comes to what is really and truly the best legislation that's available to the public. I don't want to get into a lot of that right now because, as I said, I'm going to be speaking next on this bill. I do think that there's probably a bit of a problem in the fact that

you promised this in the first year, but things like the pit bull legislation were far more important to your caucus than the landlord and tenant legislation. I'm interested in knowing, in your summary, why it has taken so long. Why did it take three years to get to this point in a promise that you had made during the 2003 election that you'd do it within one year?

So I look forward to those kinds of comments, and I also look forward to making a few comments on this myself in a few moments.

**Mr. Tabuns:** The member from London-Fanshawe, again, speaks in a very sincere and convincing way about his approach to this whole issue, but unfortunately, it's completely contrary to the arguments that were made in the last election. Those were the arguments that should have been made at that time so that people would know what they were buying, what they were voting for and what they were going to get. I think that's a profound problem with what has been put forward here, that this is directly not what was promised, directly not what was expected and directly not what was wanted.

But I want to speak, as well, a bit more about this whole question of sub-metering and smart metering. I think it's incumbent on the government, when the bill goes forward for discussion in committee, to talk about exactly how energy bills are going to be apportioned to tenants when landlords pass on those energy costs. Because I can say to you—sorry, Mr. Speaker.

**The Acting Speaker:** If I could, this is questions and comments on what the member from London-Fanshawe had to say. I do not remember his mouthing the words, "smart metering" at any time, so if you would confine yourself to what he had to say.

**Mr. Tabuns:** Well, in fact, it bears directly on the matter, because if you talk about having a balance between the interests of tenants and landlords, you have to talk about energy costs. This bill is about to shift very volatile costs from the landlords onto the tenants. If you're talking about a balance, you have to talk about how that balance is going to be calibrated. Will the landlords be treating tenants fairly in that those who live on the north side of a building, which gets less sun, will get a lower cost or a better break on their electricity costs, or a worse break? I don't think what we have before us is going to be balanced at all.

**Mr. Lou Rinaldi (Northumberland):** I'm delighted to join a little bit in this debate and make some comments on my friend from London-Fanshawe. I think we sometimes tend to forget, from what I hear in the comments from the other side, about what we're supposed to be talking about here. We're talking about the balance. Yet they want to talk about what was said two or three years ago.

Well, I met with landlords and tenants in my riding over the last two years, and I don't have the apartment scenario that might be in Toronto, or London, or Ottawa or Kingston. It's not a big issue, but I want to make it very clear that it is an issue. The fact is, what was there three or four years ago with the occupancy rates and all those other issues has changed. It's incumbent on this



government to look as we progress, and that means legislation put through today might have to be readjusted somewhere down the road because of the changes in demands, the changes in needs. I think we're very reactive to the needs of our communities, so we listen and try to find that balance, which we've heard about from both sides.

We've talked about the lack of consultation. My God, I know the parliamentary assistant travelled the province; we heard over and over again. The bill is going to go to committee. There are probably going to be amendments, as normally happens, but that's reacting to today and what we expect from the future direction we're going.

It's a piece of legislation that's well put together. I'm sure we'll make some adjustments during committee hearings, through amendments, but let's not talk about this being right and this being wrong and throwing it away, absolutely not.

**Mr. Arnott:** I'm pleased to have a chance to respond to the member from London-Fanshawe, who was given an opportunity tonight to explain the government's position and has certainly made the most of it. I would think, representing the riding that he does—he does represent many thousands of tenants in London-Fanshawe—that he would want to speak to this bill tonight, Bill 109. But we still, from this side of the House, have to point out a couple of serious problems with Bill 109.

The fact is, this is yet another broken promise by the McGuinty government. Based on the commitments that were made during the election campaign, the legislation is at least a year and a half to two years late, and we've observed that it's a weak attempt to fulfill an election promise by watering down some of those commitments.

What we know, if we study the rental housing market, is that the market is working quite well right now. Vacancy rates are up and rents are stabilized, by and large, across the province. It's not like the days in the 1980s, I guess, when vacancy rates were very, very low, tenants had few options, and rent controls, perhaps arguably, were needed more so than they are today. But we also know that further regulation requirements will dampen a system that is working.

We also know that for landlords and developers who have opportunities to invest money to create rental accommodation, their investment will be less and we'll have fewer units being built if the perception is that rent controls are being strengthened by the provincial government, which means that fewer new affordable rental accommodations will be built in the province of Ontario. I don't think that would be the government's preferred outcome, and yet it makes you wonder, because they have commitments on affordable housing as well that they are quite proud of and boast about. The fact is, if we establish a system of rent controls that is fair to both landlords and tenants, we can look to the private sector to build these units and ensure that rental accommodation is affordable for people in the province of Ontario, which was the case before we left office.

**The Acting Speaker:** The member from London-Fanshawe has two minutes.

**Mr. Ramal:** First, I want to thank the member from Simcoe North. When he was talking and responding to my comments, he said that so many different governments have come to this place and gone, and every single government tried to deal with this issue. I know it's very complex because the market changes from time to time. That's why we have to react to it. He also asked about why we didn't react right away. Well, we wanted to take our time and bring in a bill that's fair and good for many years to come.

The member from Toronto-Danforth was asking about why we're not protecting tenants. This bill is about protecting tenants. The aim of the bill is to protect both sides, especially the tenants, the most vulnerable element of that bill, who should be protected. That's why we're protecting tenants through this bill.

The member from Northumberland was talking about how the market changes. I want to thank him for bringing that very important perspective, because the market changes. We cannot bring one bill forever. That's why we are here: to react and to plan for the future.

We now have a lot of vacancies on the market, a lot of places empty, so that's why we have to create some kind of balanced approach. That's why we give flexibility to landlords to increase the rent according to inflation, not to abuse the system, just to maintain their ability to enhance their buildings and their apartments to keep them in good shape for new tenants.

The member from Waterloo-Wellington said that we broke a promise. I don't think we broke a promise; we maintained our promise. This is a very important element of our promise, which was to create a bill that's fair for both sides, tenant and landlord. That's why we are here. That's why we're looking through both eyes, not just using one eye and closing an eye to other things. We have to make it balanced; when you make it balanced, you have to understand the landlord and the tenant at the same time. I mentioned at the beginning of my speech that the marketplace consists of two sides, tenants and landlords, and you have to create that balance between them.

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**The Acting Speaker:** Further debate?

**Mr. Dunlop:** I'm pleased to be able to take part tonight in the discussions on Bill 109, An Act to revise the law governing residential tenancies. The short title of the bill is the Residential Tenancies Act, 2006.

As I said a little earlier in my brief comments, it's always interesting to discuss a Landlord and Tenant Act and/or a Planning Act bill, because I'm quite confident that any government that comes to power, the two things they always like to do for the municipalities and/or landlords and tenants is create new legislation, and it's always the Planning Act and the Landlord and Tenant Act, and we've seen quite a bit of that. In a lot of cases, we also like to talk about making amendments to the Municipal Act. I understand that, because parties of all political stripes certainly get pressure from different groups



expecting changes, and I buy that. That's part of democracy. Our job of course when we're over here in opposition is to try to point out the concerns.

We've been saying as part of this debate that the government had planned on introducing this bill in the first year of its mandate, so we would have expected to have seen this bill brought in and passed some time by October 2004. Again, we're almost two years beyond that and we're still on second reading debate. From my discussions, I understand there's a chance that this bill will be time-allocated fairly quickly, that there will be no more debate, and it will go to committee.

It reminds me an awful lot of the Emergency Management Act, a bill that we're discussing as well right now, Bill 56. That's a bill that was already prepared right after SARS, and we expected to have debate fairly quickly. We expected to see that bill introduced because, after SARS, it was considered a high priority to get a bill that was comprehensive and inclusive and would actually give the government the power it required to implement a disaster plan in case of a major emergency. Again, with that bill, it has now been three years and we're on second reading debate—sorry, we're in committee on that.

One of the things that's amazing as we go to committee on these bills—I'm telling you, I was really surprised with the emergency management bill. In first glancing over that bill, the same as I did with this bill, I expected that if it went to committee, because we've taken three years to prepare the legislation, there would be very few amendments, that the consultation would have been completed by all the stakeholder groups and we'd have a bill that was fairly accurate and fairly good. I sat in today on Bill 56, I sat in last Thursday, the same as I would hope to sit in on some of these bills like Bill 109, and virtually every group is opposed to Bill 56.

I couldn't believe it, because I actually talked to my caucus members, and I thought it might have been a slam dunk for the government, but it's not. Virtually every group is opposed to it. They're looking for major amendments to the bill. I think this is likely the case we'll see when we get to committee hearings with Bill 109, and I mean that very sincerely. I thought Bill 56 was something that would be done fairly quickly in committee, and now I see major problems with it.

So far, we've probably had 25 recommendations for improvements. I think the same thing is going to happen here with Bill 109, because you may have talked to certain tenant associations across the province, but when we get to committee—and I hope we do get to committee—we get to listen to the concerns of everyone, not just the great big, large municipalities like the Torontos and the Londons. I hope we listen to everybody in the province on the landlord-tenant bill, because there's no doubt this is a major bill and we want to make sure that any changes are good for everybody.

We've been told that the system—and I know the member from Guelph–Wellington mentioned it being market-driven. I think there's no question that the system right now is working fairly well, because in the last eight

or nine years we've had substantial growth in the province. A lot of people have had jobs and they've been able to go out and buy a house. What's happened is that it has freed up a lot of spots in apartment buildings etc. As a result of that, rates have dropped a little bit, there's a higher vacancy rate and it makes it a little more competitive.

You'd almost think that was the perfect system right now. Why tinker with it? That's what I'm wondering, why it's become so important now, because when people are buying homes and they're now paying down a mortgage, as opposed to paying rent, it frees up quite a few spots in the province. As a result of that, though, you will likely see a lot fewer buildings being built. That's my understanding. I don't think we're going to see a lot of new development or a lot of new construction in that area unless the economy goes sour and people start to lose those homes. That's happened before; we've seen that on a couple of occasions at least where when people begin to lose their homes, they have to go back and find accommodation somewhere. What happens? They go back to being tenants again. That's an area that we have to be very, very concerned about.

I wanted to look at it from a more rural Ontario perspective, if I could, because in a riding like I have with Simcoe North, where we have a lot of small communities of interest—hamlets, one city that's not a large city, and a couple of towns—we have a completely different outlook on the landlord-tenant issue. I can tell you in all sincerity that the people who come to me to discuss their concerns about rental are really and truly the landlords in rural Ontario. That's who I hear from. Usually it's from people who have had a very, very difficult time collecting their rents and even evicting people from the apartments, or in some cases the whole house, that they may have accommodated or resided in.

I wanted to go back for a second, if I could, to talk a little bit about the history around the Landlord and Tenant Act. That was brought in by none other than the Conservative government in 1975 under Bill Davis. He introduced rent control for the first time. Obviously, there was a reason for that; he had to bring that legislation in. There are very few people in this province who I respect more than Bill Davis, and I knew that the reason he brought it in was justified. That was the beginning of many amendments and changes to the act and new legislation, as we said earlier in the debate.

At that point, rent hikes were initially limited to 8%. You can imagine an 8% hike in 1975. It was probably based on a very low income. Naturally, we don't see those kinds of increases today, but the fact that former Premier Davis introduced that bill in 1975 meant that there was a need for it. As we proceed in the history of this province, we need to think that we'll always need to have some kind of law in place to protect each other.

I have to tell you, I've got a couple of examples I wanted to put on the floor, because I know in my own family, I've been involved in a couple of small projects over the years. In one case, it worked out very well; in



the other case, it was a sad situation. My wife and I, not too long after we were married, bought a rental house. It was a triplex. And you know what? It turned out to be a complete disaster. It was a case where there were very few controls put in place. We had tenants in the building when we took over who absolutely had no intention of paying rent. They wanted to use as much oil as they could, as much hydro as they could, and eventually we had to evict them. We remodelled the house and sold it because we wanted no part of that at that time. We just felt that there were not enough laws to protect the landlord at that time. I recall going down when we had it under construction, trying to remodel it, and we realized just how much cost we had absorbed as a result of the fact that people did not pay their rent and it was so hard to evict them.

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I still hear that today. I still hear that today in the small communities in my riding, people with fourplexes and sixplexes who are having a very, very difficult time collecting their rents. Quite often in a lot of cases, the landlord is stuck with the hydro bills, he's stuck with the water and sewer bills. As a result, we have people who are what you would consider to be very poor tenants trying to occupy houses. They stay in one place for a certain length of time and then move on to another. In a lot of cases, the landlords lose a lot of money. As I said a little bit earlier in my comments, it's happened a number of times in my riding. It's usually the landlord who comes to me who is very, very concerned and wondering what they can possibly do to change the laws and make them stronger for small landlords in rural Ontario. It has been a problem. I want to put that on the record.

Obviously, we have problems with bad landlords as well. I can say that the odd time it's happened where a tenant has come to my office and is complaining that the place is not maintained well—probably needs painting, maybe the heating system is not up to par, that type of thing. We get those kinds of concerns as well.

So I think it's always going to be there. I think it's going to be very difficult for any government to come up with the perfect bill, because I don't think we always necessarily have the best tenants and the best landlords that we are dealing with. I think we often deal with people scraping at the bottom of the barrel, both in the tenant position and in the landlord position. I wanted to say that.

The government did make the promise to bring this in within the first year of their mandate. I know we keep talking about this government breaking promises. I think now that's just what I'm hearing continually. When I go around my riding and spend time at 15 or 20 events every weekend, that seems to be what we hear about Dalton McGuinty and his government: They break promises, no one believes a word they say, and whatever happens sort of happens. I think a lot of people right now are eager for the next election. I keep hearing this too: "It's only 14 or 15 months. Let's get the next election out of the way." People want to see it, because I think people are genuinely concerned about the broken promises. I think that's a

brand that the Premier is going to have a hard time to get off himself.

People look at a string of promises made in the 2003 election platform. They look at the comments that were made in a series of letters to individual organizations, like the Parents of Autistic Children. I don't think these sorts of things are going to go away. I think that this government is going to wear those for a long time.

We say this is a broken promise of not bringing it in on time. I think what's really going to stick to this government will be this last budget, when there was a lot of money available to balance the budget, there was money to pay down some debt, and they still left a lot of money on the table. They sent out cheques for roads and bridges to municipalities that didn't even have roads and bridges, that sort of thing. People are hearing those kinds of stories, and I think they're genuinely concerned and tired of this long, long list of broken promises over and over again.

I'm going to wind up my comments here in a couple of seconds. I think it's important that we realize that, yes, there have been some interesting comments made in the House about the landlord-tenant act and the importance of it. Somehow this government seems to feel that the program we had in place under the previous government—they're saying it's not working. Yet I would almost think that when you look back, when you look out there today and see 4%, 5% or 7% vacancy rates, when you see rents dropping, when you see more people able to afford new homes, you wonder why they would want to tinker with something that seems to be working as well as the system that seems to be in place now. I'm wondering what backups they'll have, what sort of safety net will be in place, if the new bill fails.

Now, they're telling me it's good for both. That's what this government is telling me tonight—I heard the member from London-Fanshawe say it a few moments ago—that this is a perfect bill for both the landlord and the tenant. I just can't buy that. It seems to me that any bill has to be lopsided one way or the other. I can't imagine a government creating the bill that's perfect. So I'm going to look at his comments very carefully over the next little while when I read them in Hansard, because I think it's the kind of thing I can use when it fails and people come into my constituency office. I'll just take his comments from Hansard, photocopy them and say: "Well, maybe you should write this gentleman. He's the gentleman, along with the Minister of Municipal Affairs and Housing, who developed this bill, wanted it put on the record." I'll just send that out to everybody, and they can actually use that and write letters to the parliamentary assistant, the minister and people like the member from London-Fanshawe, who are saying that this is such a wonderful bill. I think we'll find out very quickly that it's not. I think one of the problems we're going to find out is there's going to be a lack of investment. That's my concern here, that as the population grows in the province, we need those entrepreneurs who are in there to make a buck.



If there's a lower vacancy rate, if we have 7% or 8%, and people are not able to make very much money out of a brand new unit where construction costs are estimated at, let's say, \$150 per square foot, they simply will not build those buildings. That's the concern I have. I think the Liberal Party is making an error in this area. I think it will fail, and then, when there are no more new ones being built, we'll see gouging taking place 10 years down the road when there are no units available for the public. That, of course, could mean times when the economy goes sour too, because I think we're probably in about the 12th year of a seven-year boom. That's one of the things that we tend to forget. There have been some signs around the world, with the high dollar in the United States, with the huge growth in development in the Far East, with overtaxation in Ontario, with less confidence in the governments. I think we've got some problems in keeping investment here in the province, and that may, in fact, drive down the economy. Certainly the high dollar is going to have a huge impact on the manufacturers here in Ontario. I think we've got to be very careful. I know the Minister of Economic Development and Trade was up today talking about job creation. It's funny he didn't have a speech on that back in February when we lost 30,000 manufacturing jobs in the month of January.

But anyhow, it's the business we are in here. We in opposition have to be critical of areas in which we see the government letting the citizens down, and although this bill was late in arriving, I don't really see it being a very effective tool in dealing with future increases in rental rates. It's certainly going to be a problem for individuals who like to reinvest in the economy. So the entrepreneurs, I think, are in trouble on this bill. For the time being, it's not too bad for the tenants, but overall, I think that it's sort of a stopgap measure at this point. There's no question that the next government in power will likely have another tenant protection act or a landlord protection act or whatever you may want to call it. But as we proceed further down the road, I don't think this is going to be the bill that solves all the landlord and tenant problems.

We look forward to those committee debates, committee hearings. We certainly look forward to amendments to the bill. I hope the government will look at the amendments. I hope they don't treat us all like the Minister of Finance treated me today, by name-calling when I asked him a question about animal welfare. I just found that absolutely unbelievable.

I look forward to further debate on this bill, and committee hearings.

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**The Acting Speaker:** Questions and comments?

**Ms. Martel:** I'd like to respond to the comments made by the member from Simcoe North where he said that things look pretty good now, that it was his perception that things are working pretty well, so why do we need some of these changes? I'm going to have an opportunity to speak next, and I'm going to talk about how significant rent increases have been in a number of communities and the share of income for rent that so many, far too many,

tenants in the province have to pay to have a roof over their head at a time when they're also trying to meet increased costs with respect to hydro, etc. So I don't think all is well or very rosy with respect to far too many tenants in the province of Ontario, as I'll outline, which is why I continue to worry about the bill before us.

One of the huge problems I had with the Conservative bill and now with this one, of course, as I've said a couple of times tonight, goes back to the continuation of vacancy decontrol, a provision that was put into the Conservative bill and a provision that remains in Bill 109. That provision will guarantee that thousands and thousands of renters will continue to have no protection when it comes to rent. There will continue to be an incentive for far too many landlords to do what they can to try and evict tenants from their units in order to be able to raise the rents. This is what Dalton McGuinty promised he was going to put a stop to during the last election.

The commitment by the Liberals during the last election was very clear. I know there are some members in the Liberal Party who don't want us to talk about that tonight, but that is true. Here's one more example of yet another promise that has been broken by the Liberal government. In this case it has taken three years, instead of one, to break because they did promise new legislation after the first year. But the reality remains that here we are, and tenants will not have the additional protections they need and deserve.

**Mr. Dunlop:** On a point of order, Mr. Speaker: Do we have a quorum?

**The Acting Speaker:** Is there a quorum present?

**The Deputy Clerk:** A quorum is present, Speaker.

**The Acting Speaker:** Questions and comments?

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** The speech by the member indicates some interesting challenges that all governments have to face when dealing with landlord-tenant problems. He mentioned, for instance, that there's a difference between very, very large municipalities and smaller municipalities and what the input would be to individual members, and I think there is some validity to that. Though there is a commonality of interest right across the province, I think the member has appropriately pointed out that there are some differences that you're going to receive from people in his riding, which doesn't have large metropolitan centres in it, as compared to others.

The legislation does try to find a balance. We have received over the years, as elected representatives, representations made by tenants who believe that there are certain problems with existing legislation. We've tried, with the legislation we've brought forward, to meet some of the concerns they have, and there are a number of provisions within the bill that do that.

But also, there are landlords who have indicated their frustration. The member himself mentioned that he was involved in an investment, and what happened. We've all heard the story of, particularly, small landlords who have invested sometimes their life savings, sometimes a sub-



stantial amount, only to find that people will not pay their rent and do considerable damage to their rental property.

I think all of us in this House would be sympathetic to both those situations: tenants who believe they have been hard done by by landlords in some instances, and also landlords who have found themselves in difficult circumstances. The bill tries to address that.

Yes, there will be suggestions that come forth in committee that the government will consider. But the real purpose of this bill was to find that proper balance, meeting the needs of all the people of the province.

**Mr. Norm Miller (Parry Sound–Muskoka):** I'm pleased to comment on the speech of the member from Simcoe North to do with Bill 109, which is the Residential Tenancies Act, 2006. This bill is just a weak attempt to fulfill an election promise by watering down commitments and—

**Hon. Mr. Bradley:** Is that what it says in those notes?

**Mr. Miller:** Thank you for that, Mr. House Leader. You've got me really off track here now.

What I would like to say is that this is a weak attempt to fulfill an election promise. Really, the situation we have right now is actually a pretty good situation. If you look at the city of Toronto, the vacancy rate is 3.7% on average; that means that 37 of every 1,000 apartments are vacant at this time. That's a very good situation for people wanting to rent apartments. The interesting statistic is that 5.5% of the lowest-rental-price units—those are the ones that rent for around \$700; I didn't know such a thing existed in Toronto—is vacant at this time. So I would say things are working fairly well. I would question why there's a need to build affordable housing if we have 55 of 1,000 of the most reasonable apartments available and free at this time. Why not give rental supplements to those who need the supplement to be able to rent those units versus building new units when there are so many units empty?

I would like to hit on the points made by the member from Simcoe North to do with the situation with landlords. I would say that in my riding of Parry Sound–Muskoka, it's mainly landlords that I hear from that have difficult situations with tenants who destroy the apartment and they have great difficulty trying to move them out. There are huge horror stories involved with those tenants. Also, problems with the frequency of the tribunal hearings is another thing I hear a lot about in a rural area.

**The Acting Speaker:** Questions and comments?

**Interjection:** Peter?

**The Acting Speaker:** Questions and comments? The member for Toronto–Danforth?

**Mr. Tabuns:** Thank you, Mr. Speaker. One should always be cautious with one's BlackBerry; it leads the mind astray.

*An electronic device was confiscated.*

**Mr. Tabuns:** Oh, no. The Chair of the committee I talked to today said she had suffered a number of scars in her early days in this House. I can see that I will suffer a few myself as well. I hope the BlackBerry is being tended to properly.

There is a difference, no question, between the situation of tenants in large metropolitan centres in 100-, 200- and 300-unit buildings and complexes of apartment buildings and those who live in smaller cities and towns. But that, to my mind, all the more means that in those large towns, where you have very large populations of low-income people, newcomers, seniors, young people, it is crucial that the promises made in the last election are kept. I don't remember caveats being attached to those promises about real rent control, no caveats attached to "We will ensure that vacancy decontrol is history, gone, disappeared, ended"—none of that. There was no indication there would be a different law for large-city Ontario and small-town Ontario. I think that speaks to the weakness of the legislation before us.

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**The Acting Speaker:** The member from Simcoe North has two minutes in response.

**Mr. Dunlop:** I'd like to thank the members from Nickel Belt, St. Catharines, Parry Sound–Muskoka and Toronto–Danforth for their comments on my comments on Bill 109.

I've heard a number of people mention the landlord issues in small communities. I was glad to hear the member from Parry Sound–Muskoka say that that was the same sort of concern he had. We'll be watching this very closely. There's no question that the government will pass the bill. There may be some amendments or there may not be. This is an area that I will look at very carefully, because under the previous bill, there certainly didn't seem to be enough protection for the landlord in small-town Ontario. I would never expect to be an expert on city-dwelling. It's something I don't know enough about and I'm not going to stand here and tell you I do.

In Ontario we depend an awful lot on entrepreneurs, and that means the entrepreneurs in small communities as well. If this bill truly does help everybody, then I'm hoping there will be no more of those appointments with landlords who say they have a tenant they can't get out or that they've been stuck with a huge water bill or a place has been destroyed. I'm hoping that will never happen again. That's what I'm looking forward to from this bill, if it passes. They tell me it does everything for everybody. If it does, then I will stand here later and compliment them on that. But I somehow don't think it's going to do the trick. I have a strong feeling that it just may not do that.

Anyhow, we'll look forward to other debate and we'll look forward to the committee hearings to see what the general public has to say about this bill as well.

**The Acting Speaker:** Further debate? The member from Nickel Belt.

**Ms. Martel:** It's a pleasure for me to participate in the debate tonight.

*Applause.*

**Ms. Martel:** I wait to see if you're going to be applauding when I'm done, Mr. Levac. I appreciate your support at the start of the debate.



I'm going to focus on one issue tonight, and that is the whole issue of vacancy decontrol. I know you're surprised to hear that. I want to do that and I want to raise a couple of very serious concerns I have with this proposal that remains in this bill. Without belabouring the point—although I will refer it to a couple of times in the speech—the fact of the matter is that vacancy decontrol seemed to be one of the primary reasons that the now government, when it was in opposition, voted against the former Conservative government's Tenant Protection Act. I wasn't the critic at the time, but I remember some of the tenor and the tone of the debate. My clear recollection is that the Liberal members in opposition who got up to speak against the government's legislation at the time focused on this issue and were very clear to make a point about how vacancy decontrol, as proposed in the Tenant Protection Act put forward by the Conservatives, would really be detrimental to tenants in this province. They spoke about that during the course of the bill.

Then we moved to the development of election platforms and to the election itself and, lo and behold, the same concern that had been expressed in this House by Liberal members during the debate on that particular piece of legislation put forward by the Conservatives resulted in a very concrete and specific promise made by the Premier. That promise was, and I'm going to quote it again, "We will get rid of vacancy decontrol, which allows unlimited rent increases on a unit when a tenant leaves." That was a pretty specific promise, and that went out in leaflets right across this city and other cities where there's a large tenant population. That went out in Liberal leaflets to tenants everywhere in those big cities. It was a very clear promise, and I think a number of tenants in the province voted for the Liberals based on that promise.

Now here we are, three years later. I hear some of the Liberal backbenchers get up and say, essentially, "That was then and this is now. Times have changed. Things have changed. We're trying to find a balance." I didn't see much effort by the Liberals looking for a balance when they were developing their election platform and when they put this forward as a proposal to tenants. They weren't talking about balance then. They were pretty clear about what they intended to do. That promise was pretty clear, and that promise was to get rid of vacancy decontrol.

So I'm surprised—but I guess not very, given the number of broken promises we've dealt with—that now, tonight, we'd be here with the Liberals talking about balance and the need to think about the landlords and the need to think about the tenants and, "We've had some consultations," and on and on and on. The promise was really clear.

The reality is that keeping essentially the same provision in this legislation that the Tories had in their Tenant Protection Act means that more and more tenants will be at risk of losing their accommodation and too many landlords—not all, by any stretch of the imagination—will see this as an ongoing incentive for them to try to evict their tenants in order to increase the rents on

those units. I think that's where this bill is going to leave us at the end of the day. I don't see a balance here. I see an ongoing lack of protection for so many tenants in the province of Ontario, tenants who need protection when it comes to the rent they are paying.

There are three million tenants in Ontario. In a report that was actually done under the Conservatives and for the Conservatives by a gentleman by the name of Greg Lampert—and many of the things he has to say in that report I disagree with, but one of the things he notes in that report I think is worth mentioning again here tonight. In that report, called *The Challenge of Encouraging Investment in New Rental Housing in Ontario*, Mr. Lampert noted that 75% of all tenants in the province of Ontario move within a five-year period. So you've got three million tenants and 75% of them are all going to move within a five-year period. That is a huge rate of tenant mobility, but I think it also gives you an idea of the potential that exists out there for some landlords to force evictions in order to jack up the rents on their units. That's a lot of people on the move, and when they are on the move, the opportunity arises, in units that were built after 1991, to increase the rent. That gives you, from my perspective, a clear idea of why we need protection for these tenants, because so many of them end up moving, for so many different reasons, in a five-year period, and of why I remain so concerned that the provision that would protect them the most—that is, an end to vacancy decontrol—doesn't appear in this legislation.

I've listened tonight to a number of people say, from the government side primarily, but some from the Conservatives, that there really isn't a need for rent control because when you have more vacant units, rents go down; that the law of supply and demand is that when you've got an increase in supply of units coming on the market, the rents are going to go down, that's going to be lovely, and we don't have to worry about rent control because the vacancy rate is increasing in a number of communities and tenants are going to be looked after as a result. Well, I'm going to make the point to you that it doesn't matter whether vacancy rates are high or low; the fact of the matter is that rents continue to go up.

I want to use an example out of London, because both members from London here tonight talked about the law of supply and demand and how control wasn't really a problem because, with vacancy rates going up, constituents in their riding are going to be well looked after in terms of getting rental units. Let me tell you what has happened in London with respect to rents. In 1998, rents in London were \$637 and the vacancy rate was 4.8%. In 1999, rents were \$639 and the vacancy rate was 4%, so it was going down. In 2000, the rent was \$657 and the vacancy rate was 2.4%. In 2001, the rent was \$683 and the vacancy rate was 1.8%. In 2002, rent was \$705 and the vacancy rate was 2.4%. In 2003, rent was \$736 and the vacancy rate was 1.9%. In 2004, the rent was \$758 and the vacancy rate jumped right up to 4.7% again.

So in 2004, when you had a vacancy rate higher than it had been in the last three or four previous years, the rent



was up to \$758. It wasn't going down; it was going up. The rent went up to \$775 in 2005 and the vacancy rate was 5.2%. So you've got a vacancy rate that's going up, which should, as the Liberal members have said here tonight, cause rents to go down, but the reality in the London area is that at this point the rate is up to \$775. So the trend over that whole period from 1998 was for rent to go up. Whether vacancy rates were going up or down, the rent was still continuing to go up. That's what's happening in London.

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London is not the only area. Let's take a look at Kitchener. Rents for two-bedroom apartments in Kitchener increased by 26.5% between 1998 and 2005, while during that period the vacancy rate mostly increased, or rose, as well. So you had a vacancy rate that was rising, which should, if you listen to the Liberals tonight, cause a decline in rent, when in fact through that whole period, between 1998 and 2005, rents increased by 26.5%.

Let's look at Kingston in the same period. Between 1998 and 2005, rents for two-bedroom apartments in Kingston increased by 23.6%, and the vacancy rate fluctuated. It went up through the course of that time, and it went down. But rents just kept going up.

In Sarnia, the same thing: During the same period, for a two-bedroom apartment, the rental rates increased by 20.4%, and again, like in Kingston, the vacancy rate through that time went up, and it went down.

The point is this: It doesn't matter whether vacancy rates are low or high; rents continue to go up. And rents continued to go up in that period from 1997 to 2005 even higher than the rate of inflation.

So do rent controls matter? They sure do. They sure do, because if you let the free market decide, there is no proof whatsoever that a high vacancy rate is automatically going to result in low rents so the system will take care of itself. That is not what has happened in the most recent years that I have put on the public record. These figures come from CMHC. So it's very clear that it does matter about having rent control, and that the Liberals' refusal to change the vacancy decontrol provision that was present in the Conservative legislation will continue to have a dramatic negative effect on far too many renters in the province of Ontario.

The next problem is what units are vacant. You hear members talking about, "We've got high vacancy rates. That should normally result in lower rents." That's not happening. I've just given you the proof of that. What are the units that are vacant? Is that vacancy rate increasing in affordable units that tenants can actually afford to rent? Or is it increasing in units that so many tenants in the province will never, ever have a chance to actually rent, because the rent is so high?

If you look in Toronto, for example, the number of lower-rent units in Toronto continues to decrease. Between 1997 and 2003, the number of one-bedroom units with rents below \$700 a month shrank by 85%. The number of two-bedroom units with rents below \$800 a month shrank by 89%. In October 2005, there were only

1,575 vacant three-bedroom units in multi-residential buildings, according to the most recent market survey done by Canada Mortgage and Housing Corp. Most of those units had rents that were clearly well beyond the reach of low-income families, low-income tenants.

There were 124,785 low-income households across Ontario on the active waiting list for social housing at the end of 2004. So I suspect if you took a look what the rent is in those vacant units, where members have said the vacancy rate is increasing, you will clearly see that they are units that are well beyond the financial ability to pay of low- and modest-income tenants in Ontario—well beyond their ability to pay.

So, again, we need to be extremely concerned about rents and units, and the price of those units, because my concern is that the units we are talking about that members have referred to that are vacant are ones that the majority of tenants in this province could never afford to rent in the first place. We should be concerned about affordability for those tenants.

The fourth problem is that under vacancy decontrol, the average rent of all of Ontario's rental units went up. According to statistics provided by the Canada Mortgage and Housing Corp., which does annual surveys on rental unit costs, rents increased by 26% between 1995 and 2003. During that same time period, between 1995 and 2003, the consumer price index rose by 18%, less than the increase in rents. So during that time period under which rent controls were put in place by the Conservatives, rental increases outstripped the CPI in Ontario.

If that's the experience after a number of years of the Conservatives' Tenant Protection Act being in place, with vacancy decontrol being a major feature of that legislation, then I fully expect and I fully fear that we are going to see the same kind of increases in rent under the Liberals' Bill 109, because nothing is changing with respect to vacancy decontrol.

So we had a 26% increase in rents between 1995 and 2003, when the consumer price index was 18%, quite a bit above it. That's the trend that's going to continue if Bill 109 remains unchanged with respect to vacancy decontrol, and those are the kinds of significant increases that far too many tenants—and there are three million of them in Ontario—are going to face.

Another problem is, what is the financial ability of tenants to rent in the province today? This goes back to an earlier concern I raised about what units are vacant in the province. Let me give you some idea of how much more difficult it is becoming for tenants in the province to actually pay their rent. Some 42% of Ontario tenant households, that is, 564,000 out of 1,338,000, pay 30% or more of their household income on shelter costs; 20% of Ontario tenant households, or 265,995 out of 1,338,000, pay 50% and over of their household income on shelter costs. Some 265,000 tenants are paying 50% and more of their household income on shelter costs.

That is a lot of people at great risk of becoming homeless, and that should be a significant concern for all of us in this Legislature—more than 265,000 people paying



over half of their household income just to try to keep a roof over their heads.

The issue of why we need vacancy decontrol becomes even clearer when you look at those statistics, when you look at the inability of so many people to have any money left after they pay for their shelter, to look at the edge of the cliff that we are pushing people to because their rents are so high. If we don't do something about vacancy decontrol, that situation is going to get even worse.

I think it's those problems that I've outlined with vacancy decontrol that have led Kathy Laird, who is the director of legal services at the Advocacy Centre for Tenants Ontario, to say the following: "Rent increases will continue to be unregulated when a tenant moves, creating an incentive for landlords to evict and raise the rents. We have an affordability crisis in this province with rising rents and fewer units." And she is right.

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In the short time that I have, I also want to mention that another promise this government has failed to live up to with respect to housing has to do with the number of affordable units of housing this government promised to create in the last election. The last public figures that we had about the creation of affordable housing units was in 2003-04, and the ministry figures showed at that time that only 65 new units of affordable housing had been created in the province. What's even more interesting is that since that figure was released in 2004-05, the government has not provided the annual figures that we used to get even from the Conservatives with respect to the creation of affordable housing units in the province. I wonder why that is, and I think the reason is that this government is failing so badly in terms of meeting its promise to build affordable housing too. I believe the promise was in the order of 15,000 to 20,000 new units during the course of their mandate, but in 2003-04, only 65 of those units were created. It would be interesting to know what the real figures are and why we can't seem to get those figures released by the government in that regard.

In closing, let me say I regret that this government has not lived up to the promise that it made to tenants in the last election. That was to end vacancy decontrol. It is something that absolutely has to be done.

**The Acting Speaker:** Questions and comments?

**Mr. Ramal:** I cannot not respond to the member from Nickel Belt. She was talking about many different issues, especially when she mentioned London. She mentioned London many different times. London is a great city. We are all proud of London. We're here to defend, protect and be the great advocates on behalf of every riding in London: London West, London North Centre and London-Fanshawe—London and Middlesex county. All Londoners are great people.

But the main thing is, I was interested in her cost-of-living index, vacancy percentage and the cost of rent. I agree with her. It was a great thing that she said. But the member, I think on purpose, didn't mention—the price goes up with inflation—how many months free they get

in order to rent. Due to a mortgage sometimes, due to a lot of complex issues, the landlord will give you this apartment or that House for a certain price. But, on the other side, what do they give you? They give you two or three months free in order to rent. That's what makes the balance. That's why many landlords across Ontario do this stuff: to protect their mortgage, to protect the value of their homes, houses or apartments. This important fact should be told to the people of Ontario, especially the people of London.

I think this bill will protect them. It will protect the landlord, and it will protect the tenant. We brought this bill forward because we believe strongly it is our duty as a government to protect the tenant. I know the Conservative Party doesn't like to protect the tenant. They think the landlord is the lord, that they should be protected and given more incentive, more money than they have, and also they forget about the tenant.

This bill, as we mentioned, is about balance. It's about creating balance, fairness.

**Mr. Miller:** I'm pleased to add some comments to the speech of the member from Nickel Belt on this tenant bill. I'd just like to review the history of rent controls in this province briefly in the couple of minutes I have to speak. Of course, rent control came in in 1975. I believe that was a minority government. Bill Davis was the Premier and, I would guess, was probably under pressure from the NDP to bring in rent control at that time. It was a bad idea then, and it's still a bad idea.

I remember being at Ryerson and having an economics professor who, by that time, Shelley, had run twice as an NDP member. But by the time he got around to teaching me economics, somehow his philosophy in life had switched and he showed us very clearly that what rent control does is create a shortage of supply, because it's supply and demand. If you make it so the landlords don't make any money, you basically have no supply. That was borne out. In the ensuing years, we've had some real problems with availability of rental units.

But the situation we have now is one that's pretty good. We have 3.7% average vacancy in the city of Toronto; 5.5% for the lowest-cost rental units. This bill before us now is really not changing too much. It's kind of half fulfilling an election promise, a couple of years late, and that's really all it's doing. The good thing about it is that it's not messing up a situation that's working fairly well at this time, where we have a pretty good situation for renters, where there's good vacancy rates so the renters have a lot of choice out there and are able to negotiate rents. That's a positive.

I note that in 1978, a green paper concluded that eliminating rent control was the best thing to do. In 1988, a royal commission recommended scrapping rent control. This bill, luckily, doesn't mess things up too badly.

**Mr. Tabuns:** I want to comment first on the remarks made by the member from Nickel Belt, because I think she has pointed out quite clearly that with vacancy decontrol it has not mattered very substantially what the



vacancy rate has been. We continue to see rising rents—substantially rising rents.

The member from London–Fanshawe has talked about the balance between tenants and landlords, but the reality is, when you look at the numbers and when you hear what rents are going up to, that balance is tilted very much towards landlords—large landlords. I'm not talking about people who rent a unit out of their basement or second floor. In those cases, I would say you've got a pretty even balance. But in the case where you have large corporations renting out thousands of units, they're very powerful.

We're in a situation where I think the member is quite correct: very expensive units, a lot of vacancies; low-cost units, very much in demand and people who need that kind of housing are pushed hard. It's an issue that comes up in my constituency office and I know, Mr. Speaker, that it has come up in your riding in Beaches–East York: people very, very, very hard-pressed to pay rent, constantly looking for units they can afford, constantly searching because, as time goes by in this city, with vacancy decontrol fewer and fewer low-cost units are available.

This government continues to rely on the condominium boom and low interest rates to deliver the results they feel they need to put forward to tenants, but they can't rely on that forever. That's why we have legislation. That's why we elect governments.

**Hon. Madeleine Meilleur (Minister of Community and Social Services, minister responsible for francophone affairs):** It's my pleasure to speak about this proposed Residential Tenancies Act, 2006. This is an act that I'm going to support because it will benefit my community. It will benefit both the landlords and the tenants.

I remember when vacancy was very low in my riding. It was very low because there was no construction for rental. Why was there no construction? Because of the controls on the price of rent, the owners didn't believe it was a good investment for them. The effect was that there were few apartments for rent, fewer than 1%. What would happen in my riding was that when there was an apartment for rent, they would invite three, four, five, six persons to visit the apartment, and even if the rent was \$750, let's say, it ended up being rented for \$900 or \$1,000 because there was no availability.

This proposal today will encourage landlords to build more apartments, and it will also be beneficial for those who need to rent the apartments because more availability on the market will keep the rent at—

**The Acting Speaker:** Thank you. The member for Nickel Belt has two minutes.

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**Ms. Martel:** I want to thank all the members who made statements. I want to focus on two of the statements in particular.

With respect to the comments made by the member for Muskoka–Parry Sound that things are pretty good, I've got to tell you that I don't think there's very much that's good if 265,000 tenants pay over 50% of their

household income on shelter. I think that's a crime. I think that's a disgrace. These people are close to the edge and they're going to get pushed off if there is any more increase in their rent or an increase in food, etc. No one should be paying 50% of their income to keep a roof over their head, and that's what happening to far too many people.

Secondly, I don't think there is anything good in the fact that 124,785 low-income households in Ontario are on the active waiting list for social housing as of the end of 2004. That's 124,785 low-income households looking for social housing because they can't afford to pay their rent with the income that's coming in. There's nothing good about that either. That certainly speaks to the need for this government to live up to the promise it made to build affording housing, which they have failed to deliver on.

With respect to the comments made by the member from London–Fanshawe, who said in his remarks during the rotation that rents go down when vacancy rates go up, it's just not true. That's what I pointed out with respect to the figures that I related in his community. The figures I used were for two-bedroom apartments. Between 1998 and 2005, the vacancy rate for two-bedroom apartments in London fluctuated, but rents for two-bedroom apartments increased by 21.6% over the whole period. The lowest vacancy rate right now is in London. The vacancy rates went up and the vacancy rates went down over that whole period, but the one thing that was constant was that rents went up every year. So it's not true to say that if there are vacancies, rents go down. That's just not what is happening in far too many communities in Ontario.

**The Acting Speaker:** Further debate? The member from Kitchener Centre.

**Mr. John Milloy (Kitchener Centre):** It's a pleasure to participate in tonight's debate on Bill 109 at this late hour. I want to begin, as so many of my colleagues have, by congratulating my colleagues: obviously the Minister of Municipal Affairs and Housing, but more particularly his parliamentary assistant, Mr. Duguid, the member for Scarborough Centre, who did yeoman work in terms of the consultations that took place across this province. He certainly came to my community. We had a very lively meeting with plenty of exchange, debate and discussion. For me, as a relatively new member, it was an opportunity to learn a bit about the different views of both landlords and tenants.

I've also benefited greatly from the two main organizations in my community. One calls itself RENT, which stands for Renters Educating and Networking Together, under the leadership of Mary Pappert. It's of course a tenants' group, which I meet with quite frequently, and they too have educated me on many of the issues under discussion tonight. On the other side is WRAMA, the Waterloo Regional Apartment Management Association, under the leadership of Glenn Trachsel. I've also met with members there and with the organization and learned a lot about what's been going on in the landlord side.



With this background and having heard these consultations, I was quite frankly a little bit confused by the tone of debate tonight from the opposition benches. We begin with my friend from Simcoe North, Mr. Dunlop, who stood up about 45 minutes ago and loudly proclaimed that rent control was brought in under Mr. Bill Davis, a Conservative, he told us with great pride, and that it was a great first step. About a half hour later, his colleague Mr. Miller from Parry Sound-Muskoka stood up and told us that Bill Davis was unfortunately forced to bring in rent control and what a horrible thing it was. First of all, I think the Conservatives should figure out whether they like rent control or don't like rent control.

Taking a step even further back, the opposition has to start to realize that this is not a bill about two sides in competition with each other, that hate each other and have acrimony between them. Mr. Dunlop stood up tonight and said, "It's impossible to pass a bill like this that is not lopsided one way or the other," that it's going to favour the landlord or favour the tenant, that you can't come to a situation like this with a degree of fairness and equity between two individual groups, landlords and tenants, that are trying to work together and have a business-type relationship. Well, that may be the way the Conservatives view the world, that there's acrimony and tension between the two of them, but that's not how we see it.

Let's start with landlords. All of us have met with landlords in our riding offices and have attended meetings with them. They are a key part of the economy. Not only do they provide shelter for individuals, but they provide jobs, and many of them, especially the smaller ones, are involved in other aspects of the community and bring a tremendous amount to the table. Are there bad landlords? Of course there are bad landlords. Everyone in this Legislature knows that.

Let's switch to the other side in terms of tenants. What is a tenant doing? A tenant is purchasing one of life's necessities: shelter. We as a society and as a government—as I say, I was a little bit concerned by Mr. Miller's comments, but I think most of his party would agree that purchasing shelter, one of life's basic necessities, is something that requires some regulation by the government. Since the mid- to late 1970s, we've seen a situation where government has regulated that relationship between the tenant and the landlord, not because one is necessarily bad or not because there's always going to be a need, but because when we're talking about something as basic as shelter, we feel that we need to offer tenants protection and we need to offer landlords some guidelines and some protection so there is a properly flowing relationship between them.

It's the key balance that we're always trying to find through legislation. There have been various pieces of legislation passed on this since the mid-1970s. I'd remind my friends on the Conservative benches that despite the right-wing rhetoric of Mr. Harris, he never came in and got rid of rent controls. He fooled around with them. He brought forward changes that perhaps were not in the

best interests of tenants, but he didn't move to get rid of rent controls, because he recognized that when we're talking about a basic necessity of life, we need to have some regulation.

So what have we done? We sat down, after much consultation—and I began tonight speaking of the many meetings that were held—and we've tried to come up with a package of reforms that is balanced, a package of reforms that is going to enhance the relationship between tenants and landlords, that recognizes that there are, unfortunately, bad landlords and also that there are, unfortunately, bad tenants.

What does the bill contain? Let's spend a moment. What does it do for landlords? Let's look at some of the benefits that this bill will bring in for landlords. As I said, it's wrong to characterize this as a relationship of great hate or acrimony between them. We're trying to strengthen the balance on both sides. First of all, how many of us have not had a landlord, especially a small landlord, come to our office and tell us of the problems they're having with a tenant who has caused damage, where there's a need for eviction but it has become mired in red tape? Under the proposed legislation, there would be a faster eviction process for tenants who cause deliberate damage. The new act would allow landlords to quickly evict tenants who cause deliberate damage to their unit or to the apartment building. The act would also speed up the eviction of a tenant who impairs the landlord's reasonable enjoyment of his own home. Again, Mr. Dunlop stood up tonight in criticizing the act and said that one of the things he finds is that landlords, especially small landlords, can't easily evict a tenant. Well, here is the first part of the bill, which addresses that concern directly.

Second, we have allowed for market rent on vacant units. In this atmosphere and climate of high vacancy rates, when rents are stable and, in some communities, even going down, this allows landlords, when a tenant leaves, to go out and market the unit as they see fit.

We have an exemption for units built after 1991. One of the concerns that has always been raised is how we are going to have a new supply of rental property in this province if people are concerned about some of the regulations, so this says, "Look, we're going to have this regulation in place, but if you want to build a new unit, you're going to have an incentive to carry on."

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Fair interest on rent deposits—another concern that's raised with me by landlords all the time—as well as lower fees: The new act would help, in particular small landlords, by reducing the fees they have to pay to bring a case before the Landlord and Tenant Board.

Then there's the flip side: the tenants. What does this do for tenants? First of all, as so many of the members have pointed out tonight, one of the concerns that's constantly raised by tenants is the maintenance of the building. This proposed act would allow tenants in buildings with serious maintenance problems to apply for a freeze on rent increases. This means the landlord would not be allowed to charge any rent increase until the serious



maintenance problem is fixed, which I think is fair. It's not picking on a good landlord; it's picking on the type of landlord who allows some of the decay and deterioration in buildings, which is unacceptable.

We have a fair annual rent increase guideline. When you look at the formula to increase rents in the province right now, it's very complicated. I've heard complaints about it from both landlords and tenants. So we are going to base the guideline on the Ontario consumer price index, which allows tenants and landlords some fairness and transparency in understanding how their rents are going to go up.

We have new rules for above-guideline increases that involve utilities. Tenants who get a rent increase right now due to utilities do not receive a reduction in rent if there's a decrease in the cost of utilities for the building. It's a question of fairness. If things go up, the rent goes up; if they go down, the rent should go down. Under the new act, if passed, those tenants would receive rent reductions when utility costs decrease.

We have new rules for above-guideline increases when it comes to capital expenditures. Currently, landlords can apply for approval of a rent increase higher than the guideline to cover the cost of capital expenditures for a building, but similar to the case in terms of utilities, once that capital expenditure is paid off, you don't see a subsequent decrease in the rent. This corrects it. Again, it's an attempt at fairness. This is not something that's aimed at good landlords; it's something that brings fairness to the system.

Finally, we eliminate an unfair eviction process by increasing some of the tenants' rights. Right now, they are automatically evicted if a tenant does not respond within five days to an eviction application filed by a landlord. That doesn't mean there aren't cases where a tenant should be evicted; there are bad tenants. But it also means we have to bring a little bit of fairness to the system. Under the new act, there would be no more automatic evictions. Every tenant facing eviction would have access to a hearing at the Landlord and Tenant Board. Adjudicators would have to consider the circumstances that led to non-payment of rent and could decide to deny or delay the action, or the adjudicator could decide to proceed with eviction. Again, it's about fairness.

I think that when you look at Bill 109, you have to take a step back. You have to take a look at a system, a situation, this business relationship between a landlord and tenant that all of us—I think all three parties, for the most part—have decided philosophically needs to be regulated. We're talking about someone's shelter. We're talking about where someone is going to live, one of the basic necessities of life. We recognize this business relationship. Because there is this unique business relationship, we've recognized that there are responsibilities on the side of the landlord and that there are also responsibilities on the side of the tenant.

We're in a situation where rents are not going through the roof; in fact they've remained quite stable. The market supply is quite large in most communities. So when

we sit down at the table with the landlords and tenants, our discussions aren't necessarily about rent increases. Our discussions are about this relationship, about fairness on both sides so that a tenant can live in a rental accommodation without being harassed by the landlord, and at the same time, a tenant has to respect the accommodation they live in and make sure that the landlord maintains his side or that the business relationship between the tenant and the landlord is maintained.

This is about balance. This is reflecting the reality of the market. That's why I believe Bill 109 reflects the principles of fairness and equity, which I think all parties in this House agree with, which is why I'll be supporting the bill.

**The Acting Speaker:** Questions and comments?

**Mr. Arnott:** Tonight we've heard a number of the government members offer their stout defence of the government's Bill 109 and the government's policy on rent controls, but what we haven't heard from any of them so far is an explanation as to why it took more than a year for the government to bring forward this legislation. In the Liberal Party platform, in 2003, there was a promise—I'll quote from the Liberal Party platform from that election campaign—"In our first year of government, we will repeal the misnamed Tenant Protection Act and replace it with an effective tenant protection law." The commitment was to do it in the first year.

I would like to hear, in the response by the member for Kitchener Centre, if he would please acknowledge to the House that the government broke this promise, and if he would explain why it took almost three years for the government to bring forward this legislation. We'd appreciate hearing that.

**Ms. Martel:** I listened to the comments made by the member from Kitchener Centre. I want to go back to the theme I have been emphasizing and reinforcing this evening, as much as people don't want to hear it, and that theme has to do with the promise that was very clearly made to tenants in Ontario by the Premier during the last election campaign, when he was the leader of the Liberal opposition. The promise was very clear indeed, that a McGuinty Liberal government would get rid of vacancy decontrol because it allows unlimited rent increases on a unit when a tenant leaves. I believe that. I believe that Mr. McGuinty believed it when he said it. The question is, what has happened since then, in the intervening three years, that would cause the leader of the Liberal Party, the now Premier, and many of his colleagues who ran on this particular platform, to make a decision to break this promise?

I think vacancy decontrol is a serious issue in the province of Ontario. I think it puts in place, regrettably, an incentive for some landlords to do whatever they can to force an eviction so that they can increase the rent on a particular unit. I tried very hard to describe this evening the very negative situation that far too many tenants are already finding themselves in in the province in terms of their ability to find affordable housing, in terms of their ability to use their income to keep a roof over their head.



I think that for far too many tenants in the province, that situation is very unpredictable and very precarious.

The question remains: A very clear promise was made and it is being broken. The situation for tenants hasn't changed; it hasn't gotten any better. Why is the government not moving to keep their promise to end vacancy decontrol like they promised in the last election?

**Mr. Dave Levac (Brant):** The member from Kitchener Centre presents us with a very balanced and articulate dissertation about the bill, because he's read it and found out that there actually are the points that he's made. So I compliment and thank him for that.

The member from Waterloo-Wellington offers us a challenge. It's a very simple one and I'll give him a very simple answer. We've had to correct so much stuff the previous government left us with, and particularly a deficit so huge we had to change the direction of one of the things we wanted to do, that he should have been standing in his place and using the other half of the time he had to say, "But at least they're getting it done."

There's an acknowledgement across the board, which each and every one of the parties is saying, that we're putting that balance—the pendulum that had swung one way, swung the other way, and now we're finding the middle pendulum that the member from Kitchener Centre is clearly articulating, and he's making a very good case.

One point I wanted to bring up that I don't think anyone has mentioned tonight is improvements. One of the things that is a rather unique change altogether in this is that when somebody puts in changes to an apartment, they used to be able to raise the rents forever. Do you know what we've done now? You put the improvements in, and when you pay for those improvements from the people who are paying the rent—guess what?—the rent has to come back down. I think that's an intelligent thing to do. So all that money you've captured from the people who are paying rent doesn't stay up there forever, because you've paid for it. It's got to come back down. If you put more money back into the apartment, you get to raise the rent. But once that's been paid for, you've got to bring that rent back down again. It gives the landlords an opportunity to recoup their money, but then it gives the tenant the ability to put the money back down where they should be in the first place.

I want to thank the member for being very articulate, straightforward and balanced, and I want to challenge the other members to do the same.

**Hon. Mr. Bradley:** I too found the speech by the member to be extremely poignant. It certainly captured the essence of the bill and explained that what we have here is a balanced approach. I think that in the long term this has a lot of positive effects for the reasons that have been mentioned by various other members.

No matter where someone is residing, whether they happen to be in a residence that is owned or a residence that is rented, I want to remind them that tomorrow the census form is to be filled out. It's the federal government that undertakes this operation. May 16 is the date that the census material is to be filled out and mailed in.

Some people may have forgotten that deadline, so I just wanted to make that known, whether they happen to be in a rental property or a non-rental property.

I want to say that the consultations that went on are never easy. One of the reasons, in fact the major reason, for the length of time it has taken to bring forward this bill is that there was very extensive consultation. It's hard to develop a consensus on legislation of this kind because one particular person is going to have an entirely different view from another, if one happens to be a landlord or a tenant. But that isn't always the case. What we found in our consultations was that moderate, reasonable tenants were looking for the government to protect them from what they felt was unfair and unscrupulous activity on the part of a landlord. Landlords, on the other hand, were looking to be treated fairly as well. They wanted to see that the rent was paid appropriately, that there wasn't damage to the apartment, and that their investment could be realized as they had hoped. I think this bill has achieved that.

**The Acting Speaker:** The member from Kitchener Centre has two minutes to respond.

**Mr. Milloy:** I want to thank all the members who commented on my speech, especially the Minister of Tourism. If I can put on my hat as parliamentary assistant for intergovernmental affairs, I think you did a great service to our friends in Ottawa, the federal government. We appreciate that tonight.

I was particularly interested in the points that were raised by my friend from Waterloo-Wellington, who said that it took us three years to bring forward this bill. Considering the fact that we've only been in power for two and a half, he was obviously very optimistic for us when he was sitting in government.

The simple fact of the matter is that we undertook some very extensive consultation. I have some statistics here: 1,200 phone inquiries, 5,000 completed questionnaires, 250 written submissions, 10 town hall meetings; some were held in Toronto, in my hometown of Kitchener, and in London, Ottawa, Thunder Bay, Sudbury, Kingston and Hamilton. Over 1,500 people were noted to be in attendance in these meetings. In addition, 30 meetings were held with regional stakeholder groups across the province.

The other thing that concerned me about the comments from member from Waterloo-Wellington is that he did nothing to clarify his party's position on the issue of rent control, the issue of making sure that there's a limit in terms of the increases that a landlord can put forward. As I pointed out in my speech, the member from Simcoe North stood here in the House, proud as anything, to tell us all that a Conservative government had brought in rent control, and this was something that was great news, and great news for his party, and then his colleague from Parry Sound-Muskoka stood up and said it was a big mistake.

I think all of us are going to be looking forward to some clarification on that in the next election. I'm looking forward to Mr. Tory and others going out and telling

renters across this province that it's going to be a field day, that there will be no regulation, the type of regulation, and balanced regulation, which at least we on this side of the House support.

**The Acting Speaker:** It being well after 9:30 of the clock, this House stands adjourned until tomorrow at 1:30.

*The House adjourned at 2135.*



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Ottawa Centre / Ottawa-Centre	Patten, Richard (L)	Thunder Bay—Superior North / Thunder Bay—Superior- Nord	Gravelle, Michael (L)
Ottawa South / Ottawa-Sud	<b>McGuinty, Hon. / L'hon. Dalton (L)</b> Premier and President of the Executive Council, Minister of Research and Innovation / premier ministre et président du Conseil exécutif, ministre de la Recherche et de l'Innovation	Timiskaming—Cochrane	<b>Ramsay, Hon. / L'hon. David (L)</b> Minister of Natural Resources, minister responsible for Aboriginal Affairs / ministre des Richesses naturelles, ministre délégué aux Affaires autochtones Bisson, Gilles (ND)
Ottawa West—Nepean / Ottawa-Ouest—Nepean	<b>Watson, Hon. / L'hon. Jim (L)</b> Minister of Health Promotion / ministre de la Promotion de la santé	Timmins—James Bay / Timmins-Baie James	<b>Smitherman, Hon. / L'hon. George (L)</b> Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée
Ottawa—Orléans	McNeely, Phil (L)	Toronto Centre—Rosedale / Toronto-Centre—Rosedale	Tabuns, Peter (ND)
Ottawa—Vanier	<b>Meilleur, Hon. / L'hon. Madeleine (L)</b> Minister of Community and Social Services, minister responsible for francophone affairs / ministre des Services sociaux et communautaires, ministre déléguée aux Affaires francophones	Toronto—Danforth	Marchese, Rosario (ND)
Oxford	Hardeman, Ernie (PC)	Trinity—Spadina	Sorbara, Greg (L)
Parkdale—High Park	Kennedy, Gerard (L)	Vaughan—King—Aurora	<b>Arnott, Ted (PC)</b> First Deputy Chair of the Committee of the Whole House / Premier Vice-Président du Comité plénier de l'Assemblée législative
Parry Sound—Muskoka	Miller, Norm (PC)	Waterloo—Wellington	Elliott, Christine (PC)
Perth—Middlesex	Wilkinson, John (L)		Zimmer, David (L)
Peterborough	Leal, Jeff (L)		<b>Pupatello, Hon. / L'hon. Sandra (L)</b> Minister of Education, minister responsible for women's issues / ministre de l'Éducation, ministre déléguée à la Condition féminine
Pickering—Ajax—Uxbridge	Arthurs, Wayne (L)		<b>Duncan, Hon. / L'hon. Dwight (L)</b> Minister of Finance, Chair of the Management Board of Cabinet / ministre des Finances, président du Conseil de gestion du gouvernement
Prince Edward—Hastings	Parsons, Ernie (L)		<b>Kwinter, Hon. / L'hon. Monte (L)</b> Minister of Community Safety and Correctional Services / ministre de la Sécurité communautaire et des Services correctionnels
Renfrew—Nipissing—Pembroke	Yakabuski, John (PC)		<b>Cordiano, Hon. / L'hon. Joseph (L)</b> Minister of Economic Development and Trade / ministre du Développement économique et du Commerce
Sarnia—Lambton	<b>Di Cocco, Hon. / L'hon. Caroline (L)</b> Minister of Culture / ministre de la Culture		Sergio, Mario (L)
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Scarborough Centre / Scarborough-Centre	Duguid, Brad (L)		
Scarborough East / Scarborough-Est	<b>Chambers, Hon. / L'hon. Mary Anne V. (L)</b> Minister of Children and Youth Services / ministre des Services à l'enfance et à la jeunesse		
Scarborough Southwest / Scarborough-Sud-Ouest	Berardinetti, Lorenzo (L)		
Scarborough—Agincourt	<b>Phillips, Hon. / L'hon. Gerry (L)</b> Minister of Government Services / ministre des Services gouvernementaux		
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St. Catharines	<b>Bradley, Hon. / L'hon. James J. (L)</b> Minister of Tourism, minister responsible for seniors, Government House Leader / ministre du Tourisme, ministre délégué aux Affaires des personnes âgées, leader parlementaire du gouvernement		

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

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